

H. D.

A SUMMARY SETTLEMRNT
OF SLIENSTED REVENUES
BOMBAY RESIDENCY



S. C. L.

PAPERS

RELATING TO

A SUMMARY SETTLEMENT OF ALIENATED REVENUES IN THE BOMBAY PRESIDENCY.

No. 1056 of 1858.

REVENUE DEPARTMENT.

From H. YOUNG, Esq.,
Chief Secretary to Government,
To B. H. ELLIS, Esq.,
Acting Revenue Commissioner for Alienations.

SIR,

Government have had under their consideration the expediency and necessity of completing, as speedily as possible, the inquiries into the claims to Alienated Revenues in the Sattara Collectorate.

2. You are aware that it was owing to the difficulty which was experienced in bringing these inquiries to a Summary Settlement, that Government, after much deliberation, resolved to abolish the Special Commissionership at Sattara, and placed the inquiries which were being then conducted under the control and supervision of the Revenue Commissioner for Alienations.

3. In the existing unsettled state of the country, any attempt, at the present time, to carry on the inquiries in question with vigour and rapidity would be most unadvisable. Government have, therefore, no alternative but to defer the measure till the present excitement entirely, or almost entirely, subsides.

4. In the mean time the Right Honorable the Governor in Council requests that you will have the goodness to consider and submit, for the approval of Government, a plan whereby the inquiries into Alienations, not only in Sattara, but throughout the Presidency, can be hereafter most effectually expedited, and, when fairly commenced, brought to an early close.

I have the honour to be, &c.

H. YOUNG,

Bombay Castle, 27th March 1858.

Chief Secretary to Government.

No. 2012 of 1858.

FROM THE REVENUE COMMISSIONER FOR ALIENATIONS,
TO THE CHIEF SECRETARY TO GOVERNMENT, BOMBAY.

Dated at Bombay, the 3rd July 1858.

SIR,

I have now the honour to reply to the Government letter No. 1056, dated the 27th March last, directing me "to consider and submit, for the approval of Government, a plan whereby the inquiries into Alienations, not only in Sattara, but throughout the Presidency, can be hereafter most effectually expedited, and, when fairly commenced, brought to an early close."

2. It is necessary that I should, in the first place, succinctly describe the proceedings re-
Alienated Revenue which have taken place in the Bombay Presidency from the date

of the earliest acquisition of territory up to the present period. It will be seen that there has been no consistency whatever; that there has been no general plan of operations; that similar claims, in districts similarly circumstaneed, have not received one and the same treatment; and that in no single locality can a final and thorough Settlement be said to have been effected.

3. At the beginning of the present eentury, regular inquiries were instituted in the Broach and Surat distriets, and an elaborate record was prepared, which has, however, been found, in several important respects, worse than useless. Implicit reliance appears to have been placed on the assertions of the Hereditary Officers, the persons most interested in baffling and nullifying the inquiry. In Broach, land shown in the maps and record then prepared, is not to be found, and *vice versa*, and orders passed for bringing lands under assessment have never, from that day to this, been carried into effect.

4. In Surat, things are even worse, for there many of the Districts were farmed by the British Government to persons (among them the family of the late Ardaseer Dhunjeeshaw) who are now found to have fraudulently alienated land in various ways, and to have defrauded the Revenue to a very large amount, much of which is probably irrecoverable; failing the prompt adoption of vigorous measures, the whole of it must remain so. These frauds have, in a large number of cases, been carried on in collusion with the Courts of Civil Justice, in which quarter the difficulties of inquiry are next to insuperable.

5. The control of all cash payments from the Public Treasury was vested in the Government until A. D. 1827, when the Law was altered, apparently through sheer inadvertence, for no adequate provision whatever was made for the disposal of such claims which were merely declared (and even then not specifically declared) cognisable by the ordinary Civil Courts—tribunals utterly unfit for their adjudication. In every quarter, error, fraud, and loss have been the result. Government have at various times issued orders in the Revenue and Political Departments, which occasionally have not been resisted, but far more frequently have led to litigation, embarrassment, and additional loss; many of the Decrees passed by the Civil Courts have been absurdly mischievous; and the effect of all this has been to throw all real power into the hands of the Collectors' and Judges' Native subordinates, who, between them, have managed to effect the continuance of payments which ought long ago to have ceased, and which have, generally speaking, been transferred to strangers without the shadow of a claim upon the Public Revenue.

6. The greater portion of the Bombay Presidency was conquered from the Peishwa in 1817. Khandaish, the Deccan, and Southern Muratha Country, were then administered by a Commissioner, the Honorable Mountstuart Elphinstone; and the remaining Districts in the Konkun and Guzerat were placed under the direct control of the Bombay Government, though their Settlement was ordered by the Government of India to be effected on the principles laid down and observed by Mr. Elphinstone elsewhere. Nothing of the sort, however, was done, and in this have originated some of the most embarrassing of the difficulties which now present themselves.

7. A few years after this, a Committee, under the immediate control of Government, prepared a set of Regulations, Civil and Criminal, for the Presidency. These Regulations were gradually brought into operation, and finally published as the Code of A. D. 1827. By Regulation XVII. of this Code, the adjudication of all claims to Alienated Land Revenue throughout Guzerat and the Konkun was vested in the Courts of Civil Justice. Rules were laid down, but they differed materially from those in force in the Deccan, Khandaish, and Southern Muratha Country.

8. This Regulation (XVII. of 1827) has afforded no security whatever to the Public Revenue. On the contrary, its operation has been entirely one-sided. Scarcely any of the Judicial Officers have had any sufficient knowledge of the technicalities and previous practice of the Native Governments, upon which the most important questions have hinged. In the Civil Courts, too, the interests of the State have been wholly neglected, and, generally speaking, entrusted to Native Pleaders, not only incompetent, but too frequently in league with the opposite party. During thirty years there has not even been an attempt made to frame and preserve any record of the result and expenc of proceedings so materially affecting the Public Revenue throughout one-half of the Presidency. This last

* On the 10th June 1856. defect I brought to the notice of Government the moment I was in a position to do so, and suggested * a remedy, which was adopted.

9. Six years afterwards (in 1833) Regulation XVII. of 1827 was modified by an Enactment (Regulation VI. of 1833) so carelessly framed, that it is doubtful whether the Public Revenue ha-

any protection whatever against previous improper and even fraudulent Alienation. Altogether the Law, as it stands at present, is so defective and imperfect, that the disposal of Alienation claims can, at the best, be little else than a matter of chance, the chances, however, being greatly against the State.

10. In or about 1826, the Deccan, Khandaish, and Southern Muratha Country, which, from the period of their acquisition, had been under the control of a Commissioner, were placed directly under Government, with whom, from that date, each Collector became in direct communication. One immediate result was much deviation from the principles on which Alienated Revenue had been treated. The Collectors who had effected the Settlement of the country gradually gave way to Officers comparatively unacquainted with these matters. Efficiency in the Government Secretariat to some extent neutralised the ill effects of this, but a great deal remained entirely beyond the scope of Government supervision and direct control. In some parts of Candeish, a regular inquiry into Alienation claims was attempted. In Poona and Ahmednuggur cases were taken up without method or order of any sort; and in the Southern Muratha Country nothing was done.

11. One most remarkable instance of the effect of this confusion and want of information is to be found in the proceedings of Government in a matter of the greatest importance,—the right of adopted sons to succeed to property held from the State. These proceedings, and the measures recently taken on my representation, have been published in No. XXVIII. of the Selections from the Bombay Government Records.

12. The State records of the Peishwa's Government, too (documents of the greatest value, especially with reference to Alienated Revenue), were gradually neglected, and at last the Poona Agent for Sirdars, then nominally in charge of them, recommended their destruction as so much waste paper. Fortunately this was not permitted by Government, and in 1840 the records were examined and put in order by Mr. Goldsmid, the Officer who first drew attention to the gross abuses prevailing in this and in many other branches of the Revenue administration. His proceedings have been published in No. XXX. of the Government Selections.

13. About this time Transit and Town Duties were abolished throughout India by a Legislative Enactment, passed without any reference to the numerous stipends and payments dependent on these sources of Revenue. These payments amounted to a very large sum, and it was eventually determined to compensate the holders. Inquiries were set on foot, which are even yet in progress. The result has been in many respects most unsatisfactory. It is now certain that the proceedings of many of the Government Officers have been replete with error and neglect, and that the grossest frauds have been perpetrated. Some of the most important and intricate cases are even now unadjudicated. To this I drew the attention of the Government in September 1856.

14. In 1843, Mr. Goldsmid (now deceased), Mr. Hart (now Secretary to Government), and a Native Judge, were appointed a Committee to inquire into the condition of the Alienated Revenue in portions of the Southern Muratha Country. The inquiry eventually devolved upon Mr. Hart, who prosecuted it in the face of serious difficulties, with such ability and success that in 1852 the Commission was by Legislative Enactment (XI. of 1852) placed on a regular judicial footing, and extended to the whole of the territory originally administered by the Commissioner, Mr. Elphinstone, and all along excluded in respect to Alienated Revenue from the operation of Regulation XVII. of 1827. The whole of the proceedings connected with the foregoing inquiry and Enactment have been published in No. XXX. of the Selections from the Government Records.

15. All this time, that is to say, from 1817 to 1852, throughout the Konkan and Guzerat, little was done towards the settlement of Alienation claims, and that little was done badly, especially in Guzerat, where proceedings took place which are scarcely credible,—so completely do they expose the neglect and inefficiency of many of the European Officers, and the enormous power all along exercised and abused by their Native subordinates. This has been fully and markedly brought by me to the notice of the Government during the years 1856 and 1857.

16. In Guzerat, enormous disbursements are annually made on account of "Girass." These payments, though of a purely political nature, have, for years and years, been diverted from their legitimate channel, and allowed to fall into the hands of persons to whom not a farthing ought ever to have been paid. Every sort of fraud has been perpetrated, chiefly through the agency of the Civil Courts, the subordinates of which and of the Collector's Establishment have been in league, and have, of course, profited accordingly. The whole of these proceedings afford a most remarkable case of mismanagement and misapplication of Public Revenue.

17. In the beginning of 1851 I was placed under the Inam Commissioner, Mr. Hart, as an Assistant, and at the close of the year, and during the early portion of the succeeding one, traversed many of the Southern Muratha and Deccan Districts, and discovered in every one of them *masses* of Revenue Records of the former Government, declared at the introduction of British Rule, when required for the settlement of the country, not to be in existence, and subsequently carefully withheld and concealed from the Revenue Officers, though from that period to the date of their discovery by me (*i. e.* from 1818 to 1851) uniformly applied to every purpose of fraud upon the Public Revenue, constantly produced in the Civil Courts in support of claims there adjudicated, and often made the subject of almost open traffic. These frauds, and the loss of Public Revenue in which they have resulted, are mainly attributable to the Hereditary District Officers, who, though relieved from every duty, have been allowed to remain in the receipt of large emoluments, constituting probably the most objectionable item of Alienated Revenue. This, in September 1856, I brought to notice, and stated—

"I believe that Government have now before them sufficient evidence of the existence of an abuse which may without exaggeration be termed a monstrous one. I do not think that any country in the world can be found to have kept up for so long a period, at so great an expense, so large a body of men, employed so systematically in defrauding their employers."

My correspondence with Government on the subject of this concealment and fraud has been published in No. XXIX. of the Selections from the Records.

18. In 1854 I was appointed, on the recommendation of Mr. Goldsmid, then Revenue Secretary to Government, Inam Commissioner for the Collectorates of Poona, Ahmednuggur, and Candeish, and I was also charged with the duty of examining and submitting to Government, with my opinion thereon, the proceedings regarding Alienated Revenue of the six Guzerat and Konkun Collectors. The other three Collectorates of Dharwar, Belgaum, and Sholapoor remained under a second Inam Commissioner.

19. In the beginning of 1855, the Government of India directed the appointment of a Special Commissioner for the Settlement of claims to Alienated Revenue in the Sattara Territory. The Sattara Commissioner, Mr. Ogilvy, was then found to have misled the Government in previously recommending the general and indiscriminate taxation of Sattara Alienations, on grounds really never in existence; and it was determined to effect the Sattara Settlement on the principles regulating the adjudication of titles in the whole of the surrounding districts acquired, just as Sattara was acquired, by conquest from the Peishwa in 1817.

20. In March 1856 I was desired to receive charge of the Sattara Special Commissioner's duties, and at the same time to supervise generally the proceedings of the two Inam Commissioners, of the six Guzerat and Konkun Collectors, and of all other Officers adjudicating claims to Alienated Revenue, all correspondence regarding which was ordered to be transmitted to me for submission to Government, of whose orders thereon I was to be in like manner the channel of communication.

21. About this time I submitted to Government the result of a prolonged inquiry exposing gross frauds upon the Public Revenue, which, owing to the neglect and inefficiency of the European superiors, had been successfully perpetrated in the office of the Agent for Decean Sirdars; these frauds had long been notorious among the Native community. My proceedings are to be found in No. XXXI. of the Selections from the Records of Government, the necessity of the publication of which, and of the other papers already referred to, I had urgently represented to Government, submitting that no Alienation inquiry could proceed either creditably or effectually under the system of secrecy up to that time in force—a system under which the Alienation Officer's proceedings had long been subjected to every description of mischievous misrepresentation and abuse which publicity would from the first have rendered harmless, and very probably altogether put a stop to.

22. From the foregoing statement it will be understood how great, up to the date of my appointment to supervise all proceedings connected with Alienated Revenue, had been the confusion, want of system, and neglect prevailing throughout the Presidency in regard to these matters. My first duty was that of placing this fact before the Government, and of suggesting measures for the future. This I did on the 19th September 1856 in a report in which, after exposing much neglect on the part of the European Officers of Government, and corruption on that of their Native subordinates, I strongly advocated the creation of a separate Alienation Department as a direct branch of the Government, controlled by a Secretary specially appointed. The Government did not con-

in this suggestion, but invested me with the power exercised by a Revenue Commissioner under Regulation V. of 1830, and Act XVII. of 1842; I was charged with the duty of controlling and supervising all matters having any connection with the Alienated Revenue of the Presidency.

23. From March 1856 to May 1857, I endeavoured to obtain a thorough knowledge of past proceedings and of the present state of the inquiry regarding Alienated Revenue throughout the Presidency. On the 2nd May 1857, I left India on six months' leave,* but before my departure was

Afterwards extended to one year able to place before Government a summary of my proceedings on medical certificate. in each Department, containing startling evidence of the existence of abuses, affecting not merely the Alienated Revenue, but, in a still greater degree, the general administration and condition of the Presidency. To these summaries, and to the annual Progress Re-

No. 1928, dated the 26th June 1858. report of the Alienation Department lately* submitted, I specially solicit reference, believing that, without a thorough knowledge of the facts they disclose, a correct opinion regarding the measures which should now be adopted can scarcely be formed.

24. I have now to explain the means by which the Alienation Settlement may be expedited.

* In the following terms, in paragraph 113 of a Report dated the 19th September 1856:—"But let the result of inquiry be what it may, it cannot at all affect the necessity of that final Settlement required to put an end to a system inseparable from abuses of which my description cannot, I am aware, convey any adequate idea. The amount of fraud, intrigue, corruption, and oppression originating solely in the unsettled state of these Alienations, I believe to be far greater than can be supposed by any person not practically conversant from long experience with the actual state of the country."

That it should be so expedited there can, I apprehend, be no reasonable doubt. Thoroughly convinced of this, I some time ago pressed* it upon the Government, and during the last four years have anxiously considered the subject. So much, however, has had to be searched for,—so little has been known with certainty,—so many difficulties have had to be weighed and provided for,—and so great has been the opposition from various quarters, that I have not, up to this time, been able to submit any scheme affording a definite prospect of a complete final Settlement. Now, however, many circumstances combine to assist me in doing so, and I believe that I can place before Government a plan which, however far from perfect, may yet be found suitable in its main features to the exigencies

of the case, while admitting readily of any modifications deemed necessary for the protection prospectively of the Finances of the country.

25. A speedy Settlement can, I apprehend, only be equitably effected by increasing very largely the existing Agency for inquiring into and adjudicating claims, or by settling such claims summarily on some general principles applicable to all.

26. The first method is, I presume, in the present state of the Finances, out of the question. It was advocated by the Commissioner for Revising Civil Salaries, Mr. Ricketts, who, now in his place in the Council of India, will be in a position fully to judge of its present expediency or otherwise. To its Political bearing I shall hereinafter* advert. It is certain that by this method

* Paragraphs 61 and 62.

anything like a complete Settlement within the next few years could only be effected at a greatly increased immediate expenditure.

I shall therefore pass on to the other plan of a Summary Settlement.

27. A Summary Settlement must, of course, be the most speedy, and, looking to present outlay merely, it must also be the cheapest possible. The difficulties of carrying it out at this late date I conceive to be these:—

1st.—Of rendering it generally equitable, and its principles generally intelligible to the classes affected.

2nd.—Of affording prospectively sufficient protection to the Public Revenue.

* Paragraphs 61 and 62.

3rd.—Of its being generally* believed a measure of pure Political expediency rather than of admitted justice.

28. A Summary Settlement should, I think, provide for the partial Assessment of all Alienated Land under the provisions of Regulation XVII. of A. D. 1827, Section II. Clause 2 of which declares it to be "the right of Government to assess to the Public Revenue all lands under whatever title they may be held, whenever and so long as the exigencies of the State may render such Assessment necessary."

29. I would divide the land into two classes—that held under titles formally inquired into and adjudicated since the introduction of British Rule; and that regarding which no such inquiry and

adjudication have taken place. On the first I would impose one-fourth, and on the other one-half of the Assessment fixed by the Revenue Survey, subject to proportionate increase or decrease at the revision of the Survey Rates at the expiration of the thirty years for which they are fixed.

30. Provision must be made for successions. I believe that year by year it must become a matter of increasing difficulty to prevent and detect fraud in this respect so long as succession may be confined to lineal male descendants of the original grantee. I have, as Government are aware, devoted attention to this subject, which has been very fully discussed, and the result has been to convince me of the necessity of continuing Alienated Land, if it is to be continued at all, without any of the existing restrictions or reservations, making it, in short, really saleable and transferable, the only condition or interference exercised by the State being the exaction of a Nuzzur on each succession, and new entry in the Public Accounts.

31. The Nuzzur might, I think, be fixed at two years' Assessment. This would probably be less than one year's actual income.

32. In consideration of the foregoing Assessment, and subject to the conditions described in the last two paragraphs, I would proclaim the whole of the Alienated Land of this Presidency, with the following exceptions, the saleable and transferable property of the person standing at the date of the proclamation in the Public Accounts as the holder.

33. The exceptions are—

- 1.—Land held on Political tenure.
- 2.—Ditto ditto under treaty.
- 3.—Ditto held for service.
- 4.—Ditto already formally adjudicated, to be continuable for one or more lives, and not hereditarily.

* This land would be declared saleable and transferable on payment of the regulated Nuzzur.

5.—Land * already paying to Government as Salamee, Joree, or under any other denomination, a sum equal to or greater than the amount of Assessment imposable under the foregoing provisions.

* This land would be declared permanently alienated free of any tax or levy by Government.

6.—Land + *bona fide* held for the support or maintenance of Temples or other permanent religious Institutions.

34. Surinjams declared hereditary may, in my opinion, be advantageously treated and declared entitled to the same advantages as Inams already formally confirmed.

35. By the formal inquiry and adjudication referred to in paragraph 29 is meant adjudication under Act XI. of 1852, or under Section XLV. of Regulation XVII. of A. D. 1827, or by any specific order of the Government or of a Subordinate Officer specially authorised, provided the order took effect.

36. On British grants where, regarding the title, there can be no possible doubt, the lesser rate of Assessment (one-fourth) should probably be imposed.

37. There would remain the Villages in the Konkun held by Khotcs, Isafutdars, and others; and those in Guzerat held by Talookdars, Kusbatees, and some others, on lease.

38. The disposal of the claims described in the last paragraph must depend upon the extent to which the holder of an Alienated Village is to be allowed to fix the rent payable by the cultivators.

* Revenue Dispatch No. 5, dated the 27th March 1844, paragraph 17. With regard to Inamdaras the Court of Directors have very clearly ordered* that no interference on the part of Government justly can or shall be exercised, and the same rule has been in force with regard to the Surinjamdaras, even those holding for life only.

39. On what grounds the same rule should not be applied to the Khotcs and the Talookdars, I am unable to perceive. Many, probably the majority, of the former, and the whole of the latter class enjoyed the rights of which it has been proposed to deprive them, long before the Inams were granted, and the Talookdars especially were, when we conquered the country, much more powerful and independent than the Inamdaras and others in the Deccan, whom we have treated with so much greater consideration.

40. It has been argued in the case of the Khotcs that the prosperity of the cultivators is incompatible with the exercise of this power (the power of fixing the Assessment) by the Native landlord; but I fail to perceive the slightest reason why, under Inamdaras and Surinjamdaras, who are allowed to exercise the power, the cultivators should not equally suffer. If the Civil Courts are so

imperfect in their working as to fail to afford any protection to the cultivator, let them be improved. Let any more efficient and summary jurisdiction be substituted; but to lay down that no holder of a village shall settle with his cultivators the rent to be paid by them is, I conceive, to declare that in this Presidency there shall be no such a thing as a landholder; that between the Government and the indigent and uneducated cultivator, there shall be no middle class; and that, consequently, there shall never be in existence any body of men having a strong proprietary interest in the soil, and an equally strong interest in the preservation of order and of a Government able to enforce it.

41. Moreover, even the theory which in the case of the Khotes and others has been pronounced fatal to the prosperity and the very existence of the cultivating class, is no other than the one upon which the Revised Survey and Assessment have been introduced. At the Survey each field is assessed, and at this Assessment, and at no more, do Government, it is true, let one or one hundred fields to any one able and willing to pay for them; but, having done so, Government do not go further and prohibit any capitalist, into whose hands the occupancy of a great number of fields may have fallen, from sub-letting them at any rent he may be able to obtain.

42. The Khotes, doubtless, have been in the habit of exacting levies and service in a manner, and to an extent, inconsistent with the general progress and the gradual improvement of the country. To a great extent this might, I believe, have long ago been rectified, had the existing Law been properly applied. But, however this may be, I hold that the remedy is to be found in such legislation as will provide against the abuse of the system, without at one blow destroying it and its utility together.

43. Again, another argument employed to justify the destruction of the Khotes and Talookdars has been, that of their indebtedness. But this, surely, if it be applied at all, must be made of general application. An indebted Inamdar or Surinjamdar, or any other holder of an Alienation, is just as much unfitted to manage his estate as a Khote or Talookdar similarly situated. The true remedy, however, in all cases is, I submit, to be found not in destroying the tenure, but in its preservation by facilitating the transfer of the property into the hands of capitalists.

44. In the Konkun the cultivators are said to be in the hands and entirely at the mercy of the Khotes. But the proposed remedy would merely have thrown them into the hands of a far more rapacious class—the Marwaree money-lenders. Setting this aside, however, it is, I think, a great mistake to suppose that any system arbitrarily depriving capital of the advantages and power which, under every civilized Government, it must command, can be safely introduced. Any such interference must, I cannot but believe, seriously impair the strength of any Government not a pure military despotism, and must, by checking the growth of individual resources, seriously weaken, in the long run, those of the State.

45. It will thus be seen that I strongly deprecate Government interference in these matters, and as strongly advocate the acknowledgment of a real proprietary interest in these holdings. It has

been proposed to survey and assess all these villages,* and to debar Those referred to in paragraph 37. the holders from demanding more than the rate of Assessment fixed by the Government. This, it has been said, would leave to the holders a great deal. Really I cannot perceive that it would leave them anything but the trouble and difficulty of management, elsewhere in Government villages the duty of a well-salaried stipendiary Officer, vested with considerable authority, and entitled to a handsome retiring pension.

46. And, with regard to the Talookdars, the case is yet a much stronger one against the Summary process, under which the tenure would shortly disappear. It has been proposed that prolonged attachment by the Civil Court should deprive the Talookdar of his estate altogether, and this proposal has been mainly based on the theory that the Talookdars hold under leases, making them, in point of fact, tenants-at-will, or very little better. But what are the real facts of the case? On such

* Minute, dated 6th April 1821. questions as this one, there can scarcely be any Officer able now to speak with greater correctness and authority than Mr. Elphinstone did in A. D. 1821, when, as Governor of Bombay, he thus described* the Talookdars:—

“ I cannot more strongly show the change that has taken place, than by pointing out that these are the persons whom Colonel Walker, and I believe all the gentlemen employed in the first introduction of our authority, declared to be sovereign princes, with whom we have no right to interfere beyond the collection of a tribute, and that they are now deprived of all power and consequence, and nearly the whole of their Revenue. Almost

all these changes have, in effect, taken place within these three years. They cannot but feel a change so sudden, and it must be owned that they have suffered hardships, though not, perhaps, injustice."

And again, Mr. Elphinstone in the same Minute, a little further on, thus described the class now virtually considered and proposed to be treated as tenants-at-will, or certainly very little better.—"With the Grassias of Dhundooka, Rampoor, and Gogo, still less change would be required. They are acknowledged to have a clear proprietary right to their Talookas."

The rights of these Talookdars have surely been strangely lost sight of. They have, as it appears to me, claims to consideration which cannot be set aside without ignoring the principle applied elsewhere to the holders of Alienated Revenue throughout the Presidency.

47. The method, then, of dealing with the Khotee, the Talookdaree, and other similar tenures, which I would recommend, is that of declaring each holding permanently alienated on condition of paying annually to the State the proportion of the Revenue now levied, and of paying at each succession or transfer a sum equal to two years' Assessment of the holding at the Survey Rates.

48. In all Alienated Villages the minor alienations, not being those made by the alienee,

* Those described in paragraphs 29 to 36. should be separately recorded, dealt with directly by Government, and subjected to the conditions* imposed on minor Alienations in Government Villages.

49. There are many cases in which Government are entitled to a share of the Revenue of Alienated Villages. It is so with the Talookdars, the Khotes, and many classes of Inamdar. Here there has hitherto been great fraud and great loss to the State, owing to the absence of any correct record of the capabilities and resources of the villages. The only remedy for this lies, as it appears to me, in their Survey and Assessment—a measure to which the holders have always been inveterately opposed, and would certainly have resisted where its introduction has been insisted on by Government had they dared. I think, however, that with their tenure once publicly and for ever acknowledged, this difficulty would vanish, and the measurement and assessment of the villages cease to be regarded as a grievance; provided always that the Survey operations should be strictly confined to ascertaining the resources of the entire holding, and not extended to compelling the erection and conservation of internal boundaries with which the Government ought, in my opinion, to have nothing whatever to do. If Alienated Villages are ever to improve, it can only be in the hands of men of sufficient capital, and such men will never attempt the experiment on property not left to their own management. Such boundaries as may be found really required it will be their interest to erect and preserve, and that which it is their interest to do, they will assuredly do without any sort of compulsion. Under any circumstances, I do not think that Government should interfere; and I am convinced that interference, if persisted in, will, at no very remote date, be abandoned as useless and impolitic.

50. The plan which, in the foregoing paragraphs, I have endeavoured to describe, includes the Settlement of all land now held exempt from Assessment by Inamdar and others in excess of the quantity entered as so exempt in the Public Accounts. In all such cases the excess is proposed to be left with the holder, and considered and treated as a part of the Alienation to be recognised on the terms already explained. This would relieve the Survey Department of a laborious and tedious task, the possibility of performing much of which is exceedingly doubtful, owing to the retention and concealment by the Hereditary Officers of the requisite accounts of the former Government, which ought to be, and in all probability are, in their possession.

51. The next point for consideration is the Settlement of the District Hereditary Office Service Holdings. I will not here attempt to recapitulate the concurrent testimony and opinion on this subject of nearly every high Revenue Officer of name and reputation who has had opportunity of

witnessing the failure of the attempt made by our Government to resuscitate and preserve from decay a system already crumbling to pieces when we obtained the country; suited only to the requirements of India a century and a half ago, and so opposed in theory and in working to British institutions as to have rendered necessary the payment of a second* set of officials of our own to perform duties which previously devolved upon these Hereditary Officers. We

* The Revenue Survey Commissioner, Major Wingate, showed in his letter of the 3rd June 1853, No. 329, paragraph 17, the cost of the hereditary sinecure establishment in one small (the Dharwar) Collectorate to be annually Rs. 96,442, or more than double that (Rs. 46,560) of the stipendiary working establishment.

have in short retained the Peishwa's Revenue Officers, but have transferred to a new set of stipendiary

* Captain Cowper to Government,
No. 876, 7th August 1855.

No. 953, 19th September 1856,
paragraphs 86 to 93.

No. 1335, 30th April 1857, para-
graphs 37 and 51.

servants everything but their salaries, thus burdening the Public Finances to an extent which may well tax the resources of any country. And with what result we have done this the correspondence marginally noted* will tell. I solicit its attentive perusal, believing it to convey an instructive lesson which, when reform

shall have been once fairly commenced, should not be lost sight of.

52. The plan I propose for the settlement of the Hereditary District Officers' Holdings is the one approved by Government some years ago, but never carried out, owing, I believe, to its having been since referred to each Collectorate. I do not know the result of these references, but am quite satisfied that the Country and the Public will be greatly benefited by the speedy introduction of any plan having for its basis the deduction of a per-cent of these emoluments on the score of service dispensed with, the assignment of the remainder to the Hereditary Officer as a purely personal provision, and the subsequent withdrawal of these men from every sort of connection with our Public Offices.

53. The plan above referred to, submitted by the Inam Commissioner, Mr. Hart, concurred in by the Revenue Survey Commissioner, Captain Wingate, and generally approved by Govern-

* No 329, dated the 3rd June 1853. ment, provided for a deduction of fifty per cent. from every District

Wutton. Captain Wingate's letter* to Government describes as forcibly as correctly the grounds on which the existing system should be swept away at the earliest possible period :—

"The real exigencies of the question (wrote Captain Wingate) appear to me to be lost sight of by those who advocate the plan of making the District Hereditary Officers useful by devising duties for them to perform extra to those of the regular establishment, for by so doing our administration would be made more cumbrous and therefore inefficient, while no saving of expenditure whatever would be effected."

It is worthy of remark that the extraordinary concessions made to this class since the conquest of the country have not prevented some of its members from appearing in armed and open rebellion during the last few months.

54. In carrying out this plan I would suggest* the discontinuance of all cash payments ; the

* Also suggested by Captain Win-
gate in his letter referred to in the
last paragraph.

personal provision for the Hereditary Officers should consist of land to be enjoyed under the rules already proposed for alienated land generally.

55. I have now, I believe, adverted to the whole of the land Alienations. There remain the cash allowances paid from the Public Treasury, and amounting altogether to a very large sum, for which expenditure the State gets, for the most part, no return whatever. Of the extent to which error, neglect, and fraud have pervaded these payments, Government have had abundant proof placed before them during the last three years. How to effect a Summary Settlement I am not able to see, unless it should be determined to treat them in the manner in which Alienated Land is treated ; the rules already proposed for land being declared applicable, *mutatis mutandis*, to cash allowances. I apprehend, however, that this will not be thought desirable, and in such case I see no help for the evil, but to adjudicate all existing claims under the Amended Rules of 1842, to which the Government of India have already been requested to give the force of Law by a Legislative Enactment.

56. There is, however, one abuse connected with these cash allowances which cannot too soon be rectified and authoritatively put a stop to. Allowances paid at the introduction of British Rule have been subsequently at various periods, without any authority whatever, and frequently in the teeth of orders, divided, subdivided, and continued to persons not in any way entitled to them. The extent to which this has taken place, the confusion in the Public Accounts which has necessarily resulted, and the difficulty of now tracing the alterations which have been made, are, in Guzerat, so great as to be scarcely credible.

57. I strongly recommend that the whole of these unauthorized subdivisions shall cease at the death of present recipients, and that each allowance shall thus be gradually brought back to the state in which it was found and continued by the British Government, and shall afterwards, if continuable, be invariably entered in the name of the eldest son only, its division among

the various members and branches of the family being a matter with which the State can have no concern.

58. To carry out this, legislation should be asked for. An allowance, say of One Hundred Rupees, may, at the death of the recipient, be continuable according to Hindoo Law in equal shares to his six sons, and such continuance would be awarded in any Civil Court,—from which, as matters at present stand, an order would issue to the Collector to make six payments accordingly. The utter impossibility of permitting the continuance of such a system must be sufficiently obvious, for an allowance payable in the first generation to six, may, three generations afterwards, be according to Hindoo Law divisible among sixty persons. It is therefore absolutely necessary to place these matters, as they should have been from the first placed, beyond the control of the Civil Tribunals.

59. Should the plan now submitted be sanctioned, there will be a very great diminution of work in the several public offices. An end will be put to all litigation regarding Alienated Revenue; of the numerous references, reports, and orders now required in the Collector's Department, probably not one-hundredth part will be necessary; Government will be relieved of almost all necessity of interfering or issuing orders regarding Alienated Revenue; the Alienation Department will gradually cease to be a public charge; and though last, not least, the old Revenue Accounts of the former Government, the cause hitherto of so much fraud, expense, and difficulty, must in a few years become, for all public purposes, entirely valueless.

60. The Alienation Department should, I think, be charged with the task of preparing a complete record of the land permanently alienated, and should be directed to furnish each holder with a title deed, containing among its provisions* one making the continuance of the grant dependent on the good conduct of the holder.

61. I have already adverted* to Political considerations which must, as it appears to me, affect the question whether the radical change now proposed can be at once introduced with safety. That a proclamation announcing the permanent Settlement of that which, for forty years past, has been the source of interminable discussion, difference of opinion, and intrigue, would be greatly acceptable, there can be little doubt; but it has to be considered in how far such a sudden concession just now may be misinterpreted and attributed to causes, the recollection of which, at a future and, perhaps, not very distant date, may occasion to the Government and to the country serious embarrassment and injury for which no present immediate advantage can compensate.

62. Such a contingency may never, however, arise. I may overrate the probability of its doing so; and even admitting the probability, it may well be accepted in consideration of the result immediately obtainable. Government will determine all this. I have endeavoured to place the case fully and fairly before them. My own opinion, which I submit with deference, is, that whatever risk there may be in making such a present concession, it should be run, for I really see no other escape from the difficulty. Were there any prospect whatever of an early Settlement by any other means, I should have proposed their adoption, but I am aware of none, and I have given the subject deep and anxious consideration for some years past. All that I would venture earnestly to deprecate is the adoption of any plan, in any respect, dependent in its execution on individual opinion, which may, at any hour, unknown to the Government until too late, become individual caprice. Here it is especially desirable that there should be no room left for further error. Whatever may be of general application, and based on general principles, will be, at any rate, generally understood. Inconsistency of procedure has been already the great bane of all past proceedings: it is, I believe, of all things the one to be avoided in now effecting a final Settlement.

63. It is, I believe, of the greatest consequence that no scheme should be promulgated until it shall have received the approval of the Home Authorities. I can conceive nothing more to be deprecated than the adoption of any new measure, afterwards materially modified or rescinded under instructions from England. The effect of this might be disastrous, and would, in my opinion, assuredly be most mischievous. It would certainly increase the very evil for the removal of which some radical change has become so urgently required.

64. In conclusion, I would refer to the following letters, which I have already submitted to

* Letter No. 217, dated the 8th June 1858, from the Secretary with the Governor General.

provisions* one making the continuance of the grant dependent on

* Paragraphs 26 and 27.

at once introduced with safety. That a proclamation announcing

Government. Their perusal I believe to be essential to a correct appreciation of the state of things, the amelioration of which the measures now proposed may, it is hoped and expected, effect:—

No. 569 A., of the 26th May 1855.—Regarding the practice of the Peishwa's Government in permitting adopted sons to succeed to property held from the State.

No. 876, of the 7th August 1855.—Regarding the concealment by the Hereditary Officers and others of the Revenue Records of the former Government.

No. 953, of the 19th September 1856.—Describing the past proceedings regarding Alienated Revenue, the unsatisfactory state of the inquiry, and the necessity of final Settlement.

No. 1334, of the 30th April 1857.—Submitting a summary of proceedings in the Revenue Department, from the 1st April 1856 to the 30th April 1857.

No. 1335, of the 30th April 1857.—Ditto ditto in the Political Department.

No. 1928, of the 26th June 1858.—Administration Report of the Alienation Department for the official year ending the 30th April 1858.

I have the honour to be, &c.,

T. A. COWPER, Captain,
Revenue Commissioner for Alienations.

Minute by the Honorable Mr. Reeves, dated 30th July 1858.

IN the first 23 paragraphs of this report, Captain Cowper describes what has been done in the Alienation Department. As all this has been repeatedly before Government, I need not allude to it.

2. Captain Cowper then quotes a passage from one of his letters as illustrating the conviction felt by him during the last four years of the necessity of a Summary

Paragraph 24. Settlement of Alienations. I confess I never should have put upon this passage the interpretation which we are now told it was meant to convey. I believed, as I think the Right Honorable President also did, that Captain Cowper was a strong dissident from the Summary mode of Settlement; and I was the more induced to hold this opinion after reading the strictures of Captain Cowper on the draft Act prepared by that sagacious and able Revenue Officer, Captain Wingate, by whom the very mode of Settlement advocated in this report was marked out for Guzerat full five years ago.

3. But, however, Captain Cowper is now an advocate for Summary treatment; his known ability and experience will ensure his opinions the best consideration, while his assistance would only be the more powerful if he really entertained the views which I attributed to him.

4. Captain Cowper proposes three points for consideration:—

1.—The difficulty of rendering this kind of Settlement generally equitable and intelligible to the interested parties.

2.—Protection to the Public Revenue.

3.—The danger of the Settlement being supposed a measure of pure Political expediency rather than of admitted justice.

These propositions must certainly be borne in mind. The Settlement, to succeed, must be intelligible, otherwise we risk increased discontent.

5. As to the Revenue, there is no doubt of the urgent necessity of increasing it, and this necessity, which had no existence when Captain Wingate drew up his Act, will now enable us to proceed with the Settlement explained in these papers without the aid of legislation. With regard to the remaining point, it may be remarked that, if the measure be strictly just, while at the same time summary, it cannot but be a palpable improvement; for it is evident to every intelligent Native in the country, that the detailed and endlessly slow process is both highly impolitic and unjust in its application. It must be altered, no matter how the people may connect the change with the past crisis. I beg to refer to the observations at paragraph 61 and following, with which Captain Cowper concludes his report, and I quite agree with him in thinking that, *whatever the risk, it must be run*, for there is *really no alternative*.

6. I believe that generally Captain Cowper's scheme combines the requisites of intelligibility, protection of the Revenue, and due regard to justice and political expediency, and that we cannot err in adopting it—

First.—In the strength, then, of Regulation XVII. A. D. 1827, Section 2, Clause 2, (and with reference to the sweeping censures levelled by Captain Cowper against the framers of the Regulations of 1827, I cannot help thinking we are extremely indebted to their sagacity for this little loophole) it is proposed to divide Alienated Lands into two classes:—

1st.—Lands held under titles formally inquired into and adjudicated under the British Rule.

2ndly.—Lands held under titles uninquired into and unadjudicated.

On the *1st* Class Captain Cowper would impose an Assessment equal to $\frac{1}{4}$ of the Survey Rates; on the *2nd* he would impose an Assessment equal to $\frac{1}{2}$ of the same Rates, and he would make this Assessment subject to proportionate increase or decrease at the revision of the Survey at the end of the 30 years' lease.

I think the Assessment of the former class objectionable on both grounds of injustice and unintelligibility, for the proprietors have received distinct declarations, as I regard the decrees in their favour to be, that their holdings shall be exempt from regular Assessment, and they will not readily be made to understand how those decrees can justly be set aside.

The Assessment of the other lands is unobjectionable; but I am of opinion that the imposition of the half Survey Rate, which would, in fact, convert the tenure into "Joodee," ought to include all the advantages of that tenure, one of which is, that the Assessment cannot be enhanced at the revision at the termination of 30 years.

Secondly.—In the next place Captain Cowper provides for succession. He shows conclusively that the existing restrictions in succession are embarrassing in the extreme, while he justly observes that the properties ought to be made at once transferable and saleable. He proposes therefore to confer the right of transfer and sale on payment of a Nuzzerana on each succession or alteration in the Government accounts equal to two years' actual income. This proposal has, I observe, been ably advocated in the Quarterly Review for January 1858, (B); it will not therefore be at all strange to

(B) Article—"Prospects of the English ears. For my own part I would mark the difference Indian Empire." Pages 16 and 17. between adjudicated and unadjudicated titles *here*, and settle the question thus. I would make the lands held under adjudicated titles, and which I propose to exempt from Quit-rent, pay the Nuzzerana. This would, I think, be consistent and just, for the holders cannot object to pay for a boon which they so highly value, while it would secure a Revenue to the State. It will be perceived that I here modify the view expressed in my minute of the 29th June.

I would pronounce all the lands assessed to the proposed Quit-rent, viz. those held under unadjudicated titles, at once free for sale or transfer without payment of Nuzzerana. I consider the Quit-rent will be sufficient so far as the Revenue is concerned, and the privilege of succession, without the obligation to which the other lands will be subject, will make the Quit-rent acceptable, while otherwise it will unavoidably occasion some discontent.

Thirdly.—There are some Alienated Lands which it is proposed by Captain Cowper to except from the benefits and conditions here described, viz.:—

1.—Land held on Political tenure.

2.—Ditto held under Treaty.

3.—Ditto held for service.

4.—Ditto already formally adjudicated to be continuable for one or more lives.

5.—Land paying "Sulamee," "Joodee," or, under any other denomination, a sum equal to or greater than the amount of Assessment imposable under the foregoing provisions.

6.—Land held for the support or maintenance of Temples, or other permanent Religious Institutions.

No. 5 would be declared saleable and transferable on payment of the Nuzzerana.

No. 6 would be wholly and permanently free from all tax or levy.

I have only one remark to make with respect to these regulations, that a great deal of the

"Joodee" land referred to in Class 5 is in the Southern Muratha Country under service tenure, and cannot therefore be pronounced saleable and transferable.

Fourthly.--Captain Cowper proposes to treat Surinjams declared hereditary in the same manner as Inams already adjudicated. This, of course, affects such estates as those of the Putwurdhuns and Vinchorkurs. The proposal is a bold one, but I am of opinion that it ought to be conceded. It may be said that extensive districts granted by the late Government for military service not now required ought not to be considered on the same footing as mere lands and villages. To this I have only to reply that we ought not to refuse to the larger and more important estates, privileges which we accord to the petty one. The political influence of the Surinjamdars, which was very great, often overpowering, under the late Government, has been very much diminished under the levelling action of British principles; but, reduced as those Chiefs are, their influence is not extinct; while some of them have deservedly been held by us in high esteem. The late Vinchorkur I was very well acquainted with. He was a model of a Native nobleman, and Government invariably treated him with regard. His family is a very worthy one, and I can say, from frequent visits to Vinchor, that much money has been expended by the Jageerdars in improvements in it. The late Chief of Sanglee, Chintamon Row Saheb, was a well known man, and greatly respected. So also was Rastia. Of all the Chiefs of this class, I think it may be said that they ought not to be excluded from the benefits of the New Settlement. Some of them contribute to the maintenance of the Southern Muratha Irregular Horse; but they are one and all most anxious for the privilege of adoption, the concession of which would probably make them fast friends. I may here remind the Right Honorable the President, and my Honorable Colleague, of the earnest application very recently preferred by Bala Saheb Meritchkur on receiving the approbation of Government for his ready surrender of his cannon and ammunition. He was willing to give up his fort even for the accommodation of our troops. All he asked in return was the privilege of adoption.

The Chief of Koorundwan Sanglee and Ana Saleb of Meritch were also thanked for their good conduct; I cannot help being of opinion that half the difficulty of the important Settlement would at once be got rid of, by *immediately* communicating to those Chiefs that they will be allowed the privilege of transferring and selling their estates if they choose on payment of the two years' income as Nuzzerana. As a boon for good conduct, the measure would be appreciated; it would be an excellent preliminary to the more extensive measure; but, of course, it *requires immediate effort*.

Fifthly.--British grants, regarding title to which there can be no possible doubt, Captain Cowper proposes to assess at the lower rate. These, according to my idea, should not be assessed at all, but be laid under the obligation of paying the Nuzzerana alone.

Sixthly.--Captain Cowper discusses the Settlement of Khotes, Isafutdars, and others in the Konkan, and of Talookdars, Kusbatees, and others in Guzerat. He argues that the rule of non-interference with the Assessment of villages held by Inamdar and Surinjamdars ought consistently to be applied to the case of holders of leases. He urges the antiquity of the Talookdars and their former power. With regard to the Khotes, he remarks that he can see no more reason why the Ryots under their charge should be less prosperous than under Inamdar, while he considers that—

"To lay down that no holder of a village shall settle with his cultivators the rent to be paid by them, is to declare that in this Presidency there shall be no such a thing as a landholder; that between the Government and the indigent and uneducated cultivator, there shall be no middle class; and that, consequently, there shall never be in existence any body of men having a strong proprietary interest in the soil, and an equally strong interest in the preservation of order, and of a Government able to enforce it."

The poverty of the cultivators of Rutnagherry is proverbial. There is no parallel between villages held on annual lease or lease of any duration and those held in Inam and Surinjam. Captain Cowper uses the very vague term "*holder*," but in treating an Inamdar as an Inamdar, and a *lessee* as a lessee, Government runs no chance of being charged with the absurdity which Captain Cowper unwarrantably declares it will be liable to. The reasoning

in paragraphs 40 to 50 in Captain Cowper's report appears to me very inconclusive, and founded on misconception. For in the case of Khotes the right of Survey and Assessment has always been exercised by the State. The leases are, as above stated, annual. The Khotes are in no sense proprietors of any lands, except those which they themselves cultivate, and they never had the unlimited power of determining what Assessment was to be paid ; they have been restricted to a certain amount, which they have fraudulently and tyrannically transgressed. While the Khotes are undoubtedly proprietors of a large portion of the best lands in Rutnagherry, it is equally clear that there are others who possess proprietary rights too, and these it would be most unjnst in Government to ignore.

There are not above a dozen Khotes in Rutnagherry who are not insolvent, while the extent to which litigation has subdivided and involved the estates, makes the idea of capital ridiculous.

Captain Wingate's Settlement of the Talookdars is precisely that recommended by Captain Cowper, save in the important particulars of the redemption of the estates.

That the Talookdars are rimously involved in debt, is so well known, that it is useless for me to enlarge further than to say that their poverty is extreme, and that their habits of sensuality are such as to make it obligatory in Government, for the protection of the Ryots and the Revenue, to take the villages into their own management, saddling the State, in some cases, with the maintenance of the pauper Talookdars. The improvement of the villages is not only hopeless, but the villagers are retrograding ; and, under these circumstances, I am wholly at a loss to understand why their encumbered estates may not be redeemed,—we do exactly this in Ireland and Scotland,—and the sum now proposed to be paid to the insolvent Talookdars is handsome enough to content them entirely.

While I deem it right to offer these remarks on Captain Cowper's strictures, I beg it may be understood that I consider the question of the Khotes and Talookdars as one which does not belong to the Alienation Department, and that it should now accordingly be treated, as heretofore, as a purely Revenue and Political subject of consideration.

Seventhly.—I do not admit the propriety of the course proposed by Captain Cowper in his 50th paragraph to leave in the possession of Inamdar all the land ascertained by the Survey Measurements to be held by them in excess of their recorded holdings. In no principle of reason or policy is this justifiable. There can be no doubt of the correctness of the Survey Measurements, and I cannot consent to cast suspicion on them. As to the doubt which Captain Cowper professes to entertain as to the correctness of the Registers in regard to the areas of Inamdar's holdings, owing to the Hereditary Officers having, as he suggests, withheld their accounts, this is wholly gratuitous and unwarrantable. I never yet heard of a Deshpandy or Deshmook helping Government to get the better of an Inamdar by declaring him entitled to less land than he holds, though the contrary is supposable ; but the fact is that the Registers *are never objected to*, until measurement takes place, and even then very rarely. There is nothing either laborious or tedious in the Settlement of the cases here referred to by the Survey, as Captain Cowper represents ; and the plan which he advocates, while it would stultify our own proceedings, and occasion a very needless loss to Government, would not afford the slightest relief to the Survey Officers.

Eighthly.—The Settlement of the District Hereditary Officers should, I think, be made the subject of a separate communication. It is an important and extensive question. I may, however, observe that I generally concur in the principle advocated by Captain Wingate, liable, however, to some modification.

Ninthly.—Cash payments remain for notice. Here I concur entirely with Captain Cowper, who concludes that the Amended Rules of 1842 should be applied to the Settlement of these allowances. The Government of India has already been asked to aid us by Legislative Enactment, and it appears to me that the further aid of legislature should be sought, with the view of preventing the subdivisions of which Captain Cowper complains, and of bringing the allowances back gradually to the state in which they were originally sanctioned and held. No Collector can properly be called upon to alter his accounts at the bidding of a Judge. The inconvenience and absurdity of the present practice in Guzerat is fully

explained by Captain Cowper, whose plan, if adopted, will be carried out with as much lenity as possible, and the effect of it will be that the allowances will be held (so far as our treasuries are concerned) strictly as from Government, claims on them being considered as purely matters of private interest with which Government have no concern whatever.

H. W. REEVES.

July 30th.

Minute by the Right Honorable the GOVERNOR, dated 4th April 1859.

I regret that the constant pressure of other business has hitherto prevented me from taking up the subject of Captain Cowper's report of the 3rd July last, viz. the means by which the inquiries into the titles to hold land free of Assessment, and to receive Hereditary Pensions in money from the State, may be brought to an early conclusion. I am fully alive to the importance of the subject. These inquiries affect the most influential class in this country. Until they are brought to a close, no man, whose title to exemption or pensionary provision has not been adjudicated, feels himself secure, and this feeling of insecurity must unsettle men's minds, and predispose them to discontent and sedition. Nothing, I am convinced, would tend more to tranquillise this part of India, than a speedy and final settlement of all claims to Alienated Revenue, which should embrace the concession, or, at least, the regulation of the right of succession by adoption to this species of property.

2. The first 23 paragraphs of Captain Cowper's letter being merely introductory, it is not necessary that I should go into any detailed examination of them. A few points, however, require some notice, lest I should seem to acquiesce in the inference which is naturally to be drawn from these paragraphs.

3. *First*, I would observe that the want of systematic inquiry in former years, though greatly to be regretted, is very easily explained. For a long time the duty of inquiring into titles was nominally imposed upon the Collectors of Revenue, whose multifarious occupations effectually prevented them from making any but the most desultory attempts at investigation. In 1848 Mr. Hart commenced the inquiry in the Southern Muratha Country, but it was not until Captain Cowper was appointed in 1856 Revenue Commissioner for Alienations, that the Alienation Department can be said to have been fully organised. Before this there was nothing to prevent the Collectors or Inam Commissioners (each independent in his own district or division) from working upon different plans. Government exercised a certain control over their decisions, but it rarely interfered with them, and never insisted upon uniformity of system. Under these circumstances, it is not to be wondered at that claims, similar in themselves, have sometimes been differently treated.

4. A more serious charge is contained in the 4th paragraph, and reiterated in the 16th. Captain Cowper, in the first of these paragraphs, describes the frauds which have been perpetrated in the Surat District as having been "in a large number of cases, carried on in collusion with the Courts of Civil Justice"; and in the 16th paragraph, he repeats—"Every sort of fraud has been perpetrated, chiefly through the agency of the Civil Courts, the subordinates of which, and of the Collectors' establishment, have always been in league, &c."

5. It may be said that it is evident from the latter passage, that Captain Cowper does not intend to charge the Courts, *i. e.* the Judges, with collusion and fraud; but in the first paragraph which I have quoted, there is no qualification of the assertion, and I think it therefore necessary to notice these passages, in order to express my belief that there is no ground for imputing *collusion* to the Civil Courts, and that granting that some of our Judges may have been deceived by clever and intriguing Native subordinates, my conviction is that the extent of the evil from *this* cause is not so great as it appears to Captain Cowper. The rules of evidence, and the whole procedure of our Courts, are favourable to fraud among a people notoriously regardless of truth, quick-witted, and plausible; in fact, our judicial system seems to offer a premium for the development of these qualities. If Captain Cowper had said that in Inam cases, even more than in others, fraud had often carried the day in our Courts, it would not have occurred to me to dissent from this view.

6. Captain Cowper considers that the provisions of Regulation XVII. of 1827, which relate

to Inams, afford no security whatever to the Public Revenue; but I believe that so far from this being the case, it was feared at first that the provisions of this Regulation were too stringent, and their enforcement was stopped by the then Government, on grounds of policy into which it is not necessary to enter. The suspension of action under this Regulation may have been unwise, but it certainly does not bear out the assertion that the Regulation itself was found to be inefficient.

7. Previous to reading the 21st paragraph of Captain Cowper's letter, I never heard that up to the time of the publication of No. XXXI, of the Selections from the Records of Government, a system of secrecy had been in force on the subject of Alienation inquiries, or that Captain Cowper had ever urged Government to abandon the system. It is much to be regretted that Captain Cowper should thus endorse a popular charge against Government, usually proceeding from ignorance, but which, in his case, can hardly be thus excused. I may, in passing, remark that Captain Cowper's opinion on the effects of publicity in neutralising the mischievous misrepresentation and abuse of the Alienation Department has been somewhat modified by experience since he wrote this paragraph.

8. In the 24th paragraph Captain Cowper expresses his conviction of the necessity of a speedy settlement of Alienation claims, and quotes a passage from his Report of the 17th September 1856 to prove that he has long entertained this conviction and pressed it upon Government. Like my Honorable Colleague, Mr. Reeves, I was certainly not aware that the passage quoted was meant to bear the construction now put upon it, as will be seen by referring to my Minute of the 24th June last,

as well as to the one which I recorded on the report in question.

See especially paragraph 95.

Indeed, the whole of that Report appears to me to be an elaborate vindication of the necessity for a searching and thorough inquiry, and an argument against anything like a Summary Settlement. But whatever Captain Cowper's opinion may have been, he is now an advocate for a speedy and Summary Settlement of Inam claims. He urges this opinion with the weight which attaches to the matured experience of one who is well acquainted with the difficulties of the inquiry, and the increasing disadvantages under which it must hereafter be carried on. I shall proceed therefore to examine the plans which he has laid before us for effecting this object.

9. It is hardly necessary to say that I agree with him in thinking that a speedy Settlement must necessarily be, at all events, to some extent, a summary one, and that any proposal for carrying on the present more detailed and searching investigation by increased establishments is politically and financially impossible. The only question, then, is, how can a speedy, or, in other words, a Summary Settlement of Inam claims be most equitably made, with a due regard for the public interest, as well as for those of private individuals, who now enjoy that large portion of the Public Revenue which has been either alienated by former rulers, or fraudulently appropriated by the ancestors of the present possessors.

10. The best solution to this question will probably be found in a judicious combination of the two principal features in the Settlement proposed by Captain Cowper, viz. the partial Assessment of all lands claimed to be held free, and a Nuzzerana or duty on successions and transfers. Neither of these features are new, the partial Assessment having been proposed by Captain Wingate in 1853, and the succession duty or Nuzzerana by Sir John Malcolm so far back as 1828.

11. Captain Cowper has quoted Section 2 Clause 2 of Regulation XVII. of 1827 as the authority under which he would impose a partial Assessment upon all Alienated Lands, and my Honorable Colleague, Mr. Reeves, supports this view; but I doubt whether that Section authorises us to impose a permanent tax, the object being, as declared in the margin, to allow Government, in case of necessity, to over-rule any exemption from Assessment, *for a time*. The words of the Clause, however, define this time—" whenever, and so long as the exigencies of the State may render such Assessment" (of lands usually exempt from it) "necessary."

12. I think, therefore, that legislation will be required to enable us to carry out this part of the Settlement. In the mean time, as the present is undoubtedly a time when the exigencies of the State demand that those who enjoy a large portion of its Revenues gratuitously should contribute something towards them, it seems to me that we might suggest to the Government of India whether, under this Section, a *benevolence* equal to one year's Assessment should not at once be levied upon all lands exempt, either wholly or partially, from the payment of Public Revenue. This contribution might be spread over two years, and it might be necessary, or at least expedient, to relieve the holders of very small Inams, who are usually paupers, from it; but it appears to me that the imposition of this tax upon Alienated Revenue would be of use not only as a means of raising money, but of

asserting the rights of the State, and of paving the way for a measure such as that which Captain Cowper has submitted for our consideration.

13. To return to that measure, such a contribution as that which I have just suggested could not, I think, be permanently imposed upon such lands without offering the holders some boon in return. The proposed Settlement will be of the nature of a compromise. In consideration of the payment of a portion of the Assessment, and subject to certain conditions in cases of sale and transfer, the whole of the Alienated Land Revenue of this Presidency (with a few necessary exceptions) will be declared the saleable and transferable property of the holders.

14. The great defect of such proposed compromises generally is, that they not only make no distinction between Inams held by valid titles, and those very numerous ones which have been acquired by fraud, but they make the former pay the loss which the State sustains by acknowledging the latter. The present one has, at least, this superiority, that it confers important advantages upon all in return for the contribution which it exacts—advantages which I believe that even the Inamdar, whose title is the most indisputable, will regard as a set-off against the light Assessment which he will have to pay.

15. In that part of this Presidency where the Land Revenue has been Alienated to the greatest extent (Guzerat), there is a special reason why an early Settlement of the question should take place. The Survey is in progress in every Collectorate, and the Assessment on Government Lands has been, and is in process of being, much reduced by its operation. As a means of extracting Revenue from the holders of Inam Lands, it was the custom of the Governments which preceded us to over-assess the Government Lands which were held in conjunction with them. In this manner the Inamdars contributed indirectly to the Public Revenue, but, under the Survey Assessment, this indirect mode of taxation is done away with. Government Lands are assessed according to their intrinsic qualities, and not according to the means of their holders to pay an enhanced rate. In alluding to this peculiarity, I formerly suggested that the Alienation inquiry in Guzerat should be carried on *pari passu* with the Survey operations, believing that the resumption of invalid Alienations would afford some compensation for the reduction of the Assessment, while, on the other hand, the light rates of Assessment would, in many cases, counterbalance the effect of resumption, and the dispossessed claimant of Inam Land would have little more (perhaps, in some instances, actually less) to pay than under the old system. Nearly the same result will be obtained by the measure now proposed.

16. The Inamdar will have to pay a light Assessment upon his Inam Fields; but, on the other hand, the heavy rates which he has hitherto paid on his Assessed Lands will be materially reduced by the Survey, and he will be, in many instances, better off than before.

17. At the same time, the distinction between Alienated and Government Lands, which is much prized by the holders of the former, will not be obliterated. But the great recommendation of the proposed measure to the bulk of the holders of Alienated Lands is, that it will cure all defects of title: henceforth no man's title will be liable to question. Not only in the districts under the Inam Act of 1852, and not only of late years has this liability existed. From the first establishment of our Government, every man's title to exemption from Assessment could be called in question by the Collector; thousands of notices have been issued which have not yet been decided, and under which (in the older Provinces not under the Inam Act) any Alienee may be called upon, at any time, to prove his title, should a Collector, more zealous than his predecessor, or with more time at his disposal, think fit to carry on the inquiry.

18. But beyond this, the plan under discussion proposes to confer on the holder the right of doing as he pleases with the land. Hitherto Government have not interfered with the private transfer of Alienated Lands from one to another, but such transfers have always been fettered by the condition that it is only the *interest* of the holder that is transferred. The State may, at any time, call on the transferee for proof of his title, which rests on the title of the original grantee, and on that alone: and at each transfer this becomes more difficult. No perfect title, therefore, can be made out, and it is only in Guzerat that the practice of transferring the holder's interest has obtained.

19. It is now proposed to confer the power of transfer, with a perfect title, secured by payment of a succession duty on every change in the proprietorship of the holding.

20. These general principles being taken as the basis of the Settlement, it remains to discuss the details, and to consider to what classes of Alienations, in what manner, and to what extent these principles are applicable.

21. I concur with the Honorable Mr. Reeves in the opinion that Captain Cowper has not drawn a sufficiently broad distinction between lands held under titles formally confirmed by British tribunals, and those which are still unadjudicated.

22. I concur in thinking that the former class should be exempted from any Quit-rent whilst enjoyed in the terms of the decision under which they are held, and I would confine their liability to the levy of Nuzzerana, as proposed by the Honorable Mr. Reeves. In return for this levy the privilege of transfer would be accorded, with the proviso that, when the lands leave the family to whom the former decision has limited the succession, or when the terms of that decision are in any way departed from, these lands would be subject to Quit-rent like all others.

23. I do not, however, concur with the Honorable Mr. Reeves in his view, that while these lands are exempted from Quit-rent, all others should be exempted from succession duty. Were this suggestion carried out, the boon conferred on those whose titles have been adjudicated would not be appreciated. I would, however, reduce the rate of Quit-rent proposed by Captain Cowper, and limit it to one-quarter of the ordinary Assessment, in lieu of one-half. With this reduced Quit-rent, those whose titles have not been tested might fairly be called on to pay the succession duty, which it appears to me to be an object to secure in all cases, even if the Quit-rent be foregone in exceptional classes of Alienations. We cannot expect the imposition of a Quit-rent to be popular, for no one approves of being taxed; but we may hope that the privilege conceded with it will render it less unpalatable. It is not likely any unpopularity, which such taxation might be supposed to cause, would be removed by an exemption from a future liability to another tax not hitherto imposed, and of the bearing or effects of which the people concerned are not at present aware. The Quit-rent would be an immediate payment, the succession duty only a future and contingent impost.

24. I think, therefore, that with the proposed reduction in the rate of Quit-rent, the Honorable Mr. Reeves will agree that the succession duty should not be remitted on unadjudicated holdings.

25. Captain Cowper proposes one rate of Nuzzerana—two years' Assessment. I think a scale might be adopted, graduated according to the consanguinity of the successor, as in similar taxes in England.

26. Two years' Assessment would be a heavy succession duty for a son who succeeds to his father's estate. It would, on the other hand, be too light a tax for the privilege of transferring Imam Land to another family,—a privilege now for the first time granted to the holders of Alienated Revenue generally. I would suggest the following rates of duty on succession and transfers:—

One year's Survey Assessment for sons and widows.

Two years' Survey Assessment on all other heirs of the same family.

Three years' Survey Assessment on transfers by sale, gift, or otherwise.

Three years' Survey Assessment on adoptions, two years' to be paid as Nuzzerana at the time the adoption is sanctioned, and one year's when the adopted son succeeds to the estate.

27. It must be borne in mind, as suggested by Captain Cowper, that the Survey Assessment does not represent the whole rental—far from it; and there is little doubt but that even the highest of the proposed rates will not usually represent more than one year's profits. To attempt to ascertain the real proceeds of an estate would be futile, and, in many cases, highly unpopular. The Survey Assessment affords an easy and ready standard of reference, and has therefore been very properly adopted.

28. I have stated above that I consider a draft Act indispensable. Provision for the due registration of Alienated Lands must be made, and such registry declared essential to the validity of a transfer. I need not enter into details on this branch of the subject; it is sufficient to mention it as showing that legislation is necessary. A scheme for registration may readily be arranged when the principle of Settlement has been finally approved.

29. The Honorable Mr. Reeves proposes that the Quit-rent should be declared final, and that it should not be subject to increase or decrease at any future Settlement.

30. This would add greatly to the value of such property, but I hardly think that so great a concession should be made, without some equivalent. I would, therefore, provide against the risk of any future loss of Revenue, by offering the holders of Alienated Lands the option of securing fixity of Quit-rent by a slightly enhanced payment (say one-fourth more on the amount of Quit-rent leviable) to secure them for ever against any alteration of rate. Some may prefer to pay one-quarter the Survey Rate, whatever it may be; others, who wish for an unalterable Quit-rent, will pay a small extra sum for the privilege.

31. I consider that the fixity of tenure which will be thus secured will be productive of great good. I would even go further, and allow the holders to redeem this Quit-rent by a single payment, but the principles of Indian finance are, perhaps, not yet sufficiently settled to admit of the step; nor are we now so well acquainted with the real value, which should be our guide in the demand, as we certainly shall be after a few more years of experience in the working of the new Survey and Assessment. Although, therefore, I do not advocate the step just now, it is one that I am persuaded must some day be adopted, and which, I believe, will be productive of good, by creating a class of really independent landholders, attached to our Government by the strongest ties of self-interest, for they will not fail to perceive that the continuance of their exemption from Assessment is dependent on the continuance of our Rule.

32. There is one other point connected with the tenure of Alienated Lands that deserves serious consideration. I am convinced that very much of the discontent which is generally asserted to exist among the landed classes is, in Guzerat at least, due to the working of the Civil Courts in respect to lands, and that much of the discontent arising from the loss of land under decrees of these Courts has been erroneously attributed by the public to the Inam Commission.

33. For this there is, I conceive, but one remedy, and that is to declare Alienated Lands not saleable for debt by a Civil Court.

34. I do not enter on the wider question whether all land should be exempted, like agricultural stock, from process of sale. There is a broad distinction to be drawn between the Government lands, the proprietary right in which is subject to, and contingent upon, the punctual payment of the Government Assessment, and the Alienated Lands, in which the Imamdar or other Ailence either simply enjoys the Government share, or, if he is also the proprietor, possesses the undivided beneficiary interest in the soil.

35. In the former case, it may be argued that Government can fairly insist on the cultivator leaving his holding, if he be too poor to improve the land. In the other case, it is for the owner himself, and not for Government, to decide the question. Let him sell his land if he will, but when the Court steps in and decides for him, according to Indian ideas an injustice is inflicted, and the odium falls upon Government, which derives no advantage from the obnoxious interference.

36. When the Civil Court sells for simple debt the hereditary possessions of a Grassia, Bhat, or Charun in Guzerat, not only the individual, and not only his immediate family, but the whole tribe feels discontented and aggrieved; and I am quite sure that there is no method by which these classes can be so easily rendered contented as by the exemption of their lands from sale for debt by the Civil Courts.

37. The same remark applies, though in a less degree, to other holders of Alienated Lands; and the boon which this exemption would confer would, I am assured, counterbalance the unpopularity of a light Assessment or Quit-rent, and of a succession tax.

38. It may be urged that in many cases the lands have passed out of the hands of the original owners into those of rich merchants and money-lenders, but this is hardly a good argument against the proposed exemption. The land would no longer offer the readiest means of raising money. Money-lenders and merchants who buy land on speculation would feel no reluctance in selling it, if they were in difficulties. Though not saleable by a decree of the Civil Courts, the proceeds, if mortgaged, might be attached during the lifetime of the borrower, as is now the case with the Sirdars of the Deccan and other privileged persons. A speculator in difficulties would gain nothing by retaining the nominal possession of it, and I do not anticipate that any difficulty would arise on this score.

39. Being sure that the rule would much diminish the discontent felt under the operation of our judicial system, I would very strongly urge that as a part of the proposed draft Act, Alienated Lands, though transferable at the pleasure of the holders, be declared not saleable by the Civil Court in satisfaction of decrees for debt.

40. To resume the discussion of Captain Cowper's report, it is proposed in paragraph 32 to declare Alienated Lands the property of the person whose name is entered in the Accounts. Rules will be required on this point, as the name of the original grantee, a person deceased many years ago, is often retained in the Accounts; it seems to me that it would be better to declare them the property of the actual possessor, being the heir or representative of the holder at the time when the country came into our hands.

41. Captain Cowper treats of six exceptions; the first is, land held on Political tenure. This should have been more defined, for it is not clear to what class of land reference is here made. Surinjams are not intended, for in a subsequent paragraph a proposal is submitted to treat them on similar terms to other holdings. I would, however, exclude them for reasons which will be detailed below.

42. The second exception—lands held under Treaty—is a very proper one. These, of course, must be continued in the terms of the treaty, or if any modification be made in the terms, it must be by mutual consent.

43. The third exception is also necessary—all service lands must be excluded from a Settlement which allows transfer and sale. The Jodee lands, held for service, to which the Honorable Mr. Reeves alludes, would be excluded like all other service lands, without reference to the Quit-rent they have hitherto paid. Lands held for service are reserved for separate consideration; in these I include those held by Hereditary District Officers, Hereditary Village Officers (Patells and Kookurnees), and village servants.

44. On the fourth exception I also concur—lands already declared continuable for a limited period should remain unassessed in accordance with the terms of the original decision.

45. In the fifth exception some modification is required. Captain Cowper proposes to declare transferable, on payment of Nuzzera only, lands which already pay a Salamee or rent equal to the Quit-rent which would otherwise be proposed. I prefer the rule suggested by Major Wingate, and would adopt for the Settlement of Alienated Lands, which now pay some rent to Government, the provisions of Sections IX. and X. of his draft Act.

46. If A now holds free a piece of land of which the Assessment is Rs. 10, he will pay, under the proposed rule, Rs. 2-8-0. If B hold land, the full assessment upon which amounts to Rs. 15, but on which he has hitherto paid Rs. 5, he would, by Captain Cowper's proposed rule, pay no more than he has hitherto paid, and thus escape the new tax altogether, though he is on precisely the same footing hitherto as A, inasmuch as both have enjoyed exemption to the extent of Rs. 10. There is no reason why the one should be exempt from the new tax and not the other, and Major Wingate's proposition for taxing in every case the amount of Assessment hitherto remitted should be adopted.

47. The sixth exception which Captain Cowper proposes to make refers to Temple lands. The exaction of Nuzzera could hardly be made applicable to such grants, nor can we admit them as transferable property, for they were assigned specially for the support of religious institutions. If, on the one hand, we exempt these lands from taxation, they will be treated with exceptional favour; while, if the tax be imposed, we shall be deriving a Revenue from religious institutions with which we desire to have no connection. Probably the best way would be to resume a portion of these lands equal in value to the Quit-rent and Nuzzera imposed upon all other lands. This, however, is a measure which should not be adopted without mature deliberation, and I would draw the special attention of the Home Authorities to this point.

48. In the Honorable Mr. Reeves' opinion on the course recommended by Captain Cowper, in paragraph 50, I fully concur. There is no necessity to give up the Revenue which should be imposed upon the encroachments of Inamdar. I have no objection to add the land to their holdings, and to allow them to retain it as their own property equally with that which they rightfully hold; but the full Assessment should be levied in addition to the amount of Quit-rent payable as a general tax.

49. There may be instances in which it will not be possible to determine the exact amount of encroachment. But the inability to detect fraud in exceptional cases is no cause for abandoning the Revenue in whole districts in which such encroachments can be proved.

50. Surinjanis declared hereditary Captain Cowper proposes to treat as Jams already confirmed; that is, to subject them to a succession tax or Nuzzera, and allow their transfer by sale or otherwise. The Honorable Mr. Reeves considers that the sale of Surinjams is expedient, but from these views I must express my dissent. It is not only because such a course would involve the complete reversal of the policy of our Government hitherto in regard to these holdings that I object. The sale of Surinjams would be wholly at variance with the principles on which such holdings were first assigned, and then continued under the former Rule as well as under the British Government. I believe that it would not be in consonance with the ideas of the Surinjamars themselves, or of the Native population generally, that it would, in short, subvert the tenure on which

the Surinjam was originally founded, and that on which it still exists, and would be unintelligible to the people. The Surinjamdars if they are to be maintained at all, should be kept up as a class of nobles, to whom, from feelings of former dependence, a large class of people still look with respect. But if we permit the Alienation of these estates, the political importance of the holder must cease, and the wealthy money-lenders would succeed to the property without the position of the Surinjamdar.

51. The class to whose importance the possession of these estates now contributes would become paupers, and with all old followers and former dependants become reckless malcontents and thus increase the very evil which the proposed Settlement is expected to remedy.

52. I am convinced that it would have the very worst effect, politically, if we were to offer facilities for the Alienation of these estates from the families who have long held them.

53. I would therefore treat Surinjams exceptionally, as under all Governments, and in all times, they have been treated. If the class be now discontented, it is rather from the pressure of multiplied rules which, though based on reasonable grounds, are deemed by them to be so many devices for their extinction, and, indeed, their practical effect is as they suppose. For this the remedy I conceive to be the removal of some of the restrictions now imposed on succession, among which I may notice prominently the limitation of Surinjams to the succession of *eldest* sons only. I would permit adoption if a qualified person be found among the descendants of the original Surinjamdar, and in other cases on special grounds; and I would allow the class generally the most liberal interpretation of our rules in all doubtful cases.

54. Nuzzerana is a mode of taxation peculiarly applicable to this class of holding. Where the titles of Surinjamdars have not been inquired into and adjudicated, I would impose the same rates of succession duty as upon Inams, all defects of title being cured by its imposition; and even in cases where the title has been made out and admitted, if an adoption is permitted, or a succession should take place, which by former rules would be inadmissible, the double Nuzzerana may fairly be exacted, and would cheerfully be paid.

55. With regard to the three cases referred to by the Honorable Mr. Reeves, it seems to me that it would be a very questionable mode of rewarding the Chiefs of Koorundwar, Meruj, and Sanglee to facilitate the sale or transfer of their estates, especially if they were liable for their debts; but I fully recognise the propriety of acknowledging their good conduct. This might be done by informing each of them that if now, or at any future time, he wished to adopt an heir, his request would be complied with, on the payment of Nuzzerana, and on the choice being approved by Government.

56. I cannot conclude this portion of the discussion without deprecating earnestly the proposition to make Surinjams transferable and saleable property.

57. Paragraphs 37 to 49 of Captain Cowper's report contain matter relating to the holdings of Khotes and Talookdars. These cannot be considered as Alienations in the usual acceptation of the term, for their villages or talookas are not more alienated than every Government village in the North West Provinces. Though fully coinciding with Captain Cowper, that we should have regard to the long-established rights and usages of these classes, there is much in his remarks that may be controverted, and to which I cannot subscribe. But as a decision on these questions in no way affects the disposal of Alienations generally, I abstain in this place from commenting on his observations regarding the present system, and on his proposal for future treatment.

58. The subject of the Hereditary Officers next demands attention. Every Officer who has written on this subject appears to have recommended a Settlement of the nature now proposed, which does not, it must be remarked, include the Hereditary Village Officers, who will, of course, be retained on their present footing.

59. But with regard to the Hereditary District Officers, the experiment of attempting to make use of them has failed signally, and it is universally agreed by all who have experience in the working of the system, that the present anomalous state of things must be amended.

60. I would gladly adopt some other mode of Settlement did I see any chance of turning to account the services of the Hereditary Officers. Of this there appears no prospect, and I cannot but concur in the proposal to dispense with all service, and deduct on that score a per-cent-age of their emoluments, the remainder being confirmed as a personal provision free from all obligation to render service.

61. It is proposed that this personal provision consist wholly of land, a suggestion which

should be carried out so far as it is practicable; but it will not be possible to find land in every case. It may be sufficient to lay down as the basis of Settlement that all deductions are to be made from the cash receipts first, and that, if conveniently assignable, land shall be given in lieu of cash that may still remain payable. The provision thus made for the Hereditary District Officers should be liable to the same rules as the Surinjams.

62. In the districts assigned by the Nizam, the Government of India at once dispensed with the services of the Hereditary Officers, granting them pensions for life. So sweeping a measure could not now be carried out in this Presidency without creating great discontent, and without the appearance, at least, of great hardship and injustice; but the fact may be mentioned in proof of the conviction that obtains elsewhere of the hopelessness of effecting any good through this agency.

63. The cash allowances demand attention as urgently as the Alienated Lands, for at present there is no law under which these allowances are adjudicated, the only authority being rules passed by Government, but unrecognised by the Courts.

64. The most pressing necessity is the removal of the decision of such cases from the Civil Courts. In the other Presidencies, the Courts cannot take cognisance of grants from the State. If the principle be right there, it is equally applicable here, and it is hardly conceivable on what grounds the State should be compelled, by an order of a Civil Court, to continue permanently or hereditarily a pensionary provision or a *charity* granted without any pledge of permanence or hereditary right. Yet now such an order might at any time be issued at the caprice of an individual Judge, there being no law to determine, as in claims to exemption from Assessment, under what rules and conditions a claim to a cash allowance is valid.

65. The necessity for legislation is therefore obvious, and the opportunity should be taken to simplify the Rules of 1842, which at present form the guide of decision.

66. The calculations based on a number of descents have been found to be suggestive of frauds and forgeries in the preparation of genealogies, and have often acted to the prejudice of rightful claimants.

67. I would therefore make the future continuance of a cash allowance dependant solely on the time of enjoyment under the former rule, without reference to the number of successions; and instead of restricting the future enjoyment of the allowance to the descendants of the first British grantee, I would continue a portion of it to all lineal descendants of the original grantee, or of the first person proved by authorised accounts to have received the allowance.

68. The course recommended with regard to the unauthorised subdivision of allowances should be adopted and secured by legal sanction. The minute subdivision under British rule of allowances which, under the former Government, were invariably paid in one sum, has probably tended more than any other course to the difficulty of control and audit, and the necessity for interposition to check and remedy this evil has been clearly shown in several recent cases. The pensions are given by the State, and the Government is the proper authority to decide on the dispensation of its own bounty.

69. The results of a Summary Settlement of Alienation claims are summed up by Captain Cowper in his 59th paragraph as follows:—

- 1.—Great diminution of work in the Public Offices.
- 2.—Legislation regarding Alienated Revenue will be put an end to.
- 3.—The numerous reports, references, and orders now required will, for the most part, be discontinued.
- 4.—The Alienation Department will gradually cease to be a public charge.
- 5.—The old Revenue Accounts of former Governments, the source of so much fraud, expense, and trouble, will, in a few years, for all public purposes, be entirely valueless.

70. To these I will add that the value of all property held on Inam, or any similar tenure, will be greatly increased by the Settlement, and that while Government will at once recover a considerable portion of its Alienated Revenue, the minds of a highly influential portion of the community will be relieved from the disquieting influence which the delay and uncertainty of our inquiries into their titles has hitherto exercised. This last result alone is, in my opinion, worth the sacrifice of a large portion of the reversionary interest of Government in all Alienated Revenue. I do not anticipate that this advantage will be neutralised by the concession being connected in Native estimation with the late revolt. The rebellion has been fairly put down, and we can afford to make concessions which we believe to be right in principle and urgently required.

71. The decision of this question will, of course, rest with the Government of India. I think that Captain Cowper's letter and the other papers should now be sent to that Government. In the meantime, if his plan, with the modifications which I have suggested, meets with the approval of my Honorable Colleagues, the Revenue Commissioner for Alienations should be requested, in communication with the Legal Remembrancer, to prepare a Draft Act embodying the above provisions, which can, of course, be modified if any portion of them is disapproved by the Government of India.

4th April 1859.

ELPHINSTONE.

*Extract (Sections IX. and X.) of Draft Act submitted by Captain WINGATE
with his Letter No. 490, dated 4th August 1853, referred to in Para.
45 of the Right Honorable the Governor's Minute of the 4th April 1859.*

IX. And it is hereby enacted, under the provisions of Clause 2nd of Section II. of Regulation XVII. of 1827, of the Bombay Code, that it shall be competent to the Governor in Council to authorise any Revenue Surveyor or other duly appointed Officer to impose an Assessment, besides the commuted Assessment provided for by Sections VI. and VII. of this Act, on any land held wholly or partially exempt from the payment of Land Revenue under any of the provisions contained in Chapters IX. and X. of the aforesaid Regulation, or under the provisions of Regulation X. of 1831, or Regulation VI. of 1833, of the Bombay Code, provided that the Assessment so imposed in the case of land held previously wholly exempt from Assessment, and not assessed under the provisions of Sections VI. and VII. of this Act, shall not exceed one-fourth of the Assessment to which the land would be liable at the Survey if it were not held on a tenure conferring exemption from Assessment, and in the case of land held partially exempt from Assessment, shall not exceed one-fourth of the difference between the Assessment (inclusive of any Assessment imposed under the provisions of Sections VI. and VII. of this Act) to which the land is liable and the full Survey Assessment to which the land would be liable if it were not held on a tenure conferring exemption from Assessment.

X. And it is hereby enacted, that the imposition of an Assessment, according to the provisions of Section IX. of this Act, on any land previously enjoyed wholly or partially exempt from the payment of Land Revenue from any date antecedent to the date when the territory in which the land is situated came into the possession of the British Government, shall be held to have cured any defect in the title on which the claim to exemption from the payment of Land Revenue may rest, and shall exempt the land for ever from liability to any alteration of the Assessment imposed on it under this Act, other than a rateable increase or decrease of the said Assessment proportioned to any increase or decrease that may be made in the Assessment of land of similar quality subject to the full Survey Assessment, and situated in the same village or district, on occasion of a future general re-adjustment of the Land Assessment being undertaken with the sanction of the Governor in Council subsequent to the expiration of the term for which the Revenue Survey Settlement of the aforesaid district may have been or shall be declared permanent.

Further Minute by the Honorable Mr. REEVES, dated 8th April 1859.

I see reason for concurring in the Right Honorable President's opinion of the scope of Section II. Clause 2 Regulation XVII. of 1827. I took the words of the Regulation "whenever and so long as the exigencies of the State may render such Assessment necessary." It is very possible that in law these words will have to be taken with reference to the marginal summary, which certainly alters their meaning.

2. I also concur in the Right Honorable President's proposal for subjecting to the Quit-rent all lands now held under adjudicated titles when they leave the family to which the decision passed limits their possession, and when the terms of that decision are in any way departed from.

3. On further consideration, I acquiesce in His Lordship's opinion to levy the succession duty on the holders of unadjudicated holdings which it is proposed by him to assess at one-fourth of the Survey Assessment, whatever that may be.

4. I think the scale of Nuzzerana very fair and appropriate.

5. I have no objection whatever to the proposal for procuring some consideration in return for the privilege of sixty of tenure. This proposal will just operate in the shape of Nuzzerana, which the people of India are well accustomed to. They have, in fact, been in the habit of paying it under former Governments in a very capricious manner on almost all occasions of State interference.

6. I shall be glad to see the experiment of redemption of the land tax tried in the case of our large towns. The land tax at many of these towns will, I am convinced, be redeemed very readily on the basis of a calculation greatly in advance of the present moderate Assessment; and I fully concur in the sentiments expressed by the Right Honorable President on the benefits of this measure.

7. I entertain doubts as to the propriety of excluding Alienated Lands from sale of Civil Courts on account of debt. Class legislation is always to be deprecated. I am aware that the privileges of our Sirdars are due to legislation of this kind; but those have never been conceded without a protest against their repetition or extension. But allowing, as I readily do, that the Sirdars of the Deccan were judiciously made exceptions, I see nothing in the condition of the petty Thakoors and Grassias of Guzerat and landholders of other districts which constitutes a good reason to the extension of the proposed privilege to them. They are, most of them, needy and dissolute; their estates are very generally mortgaged, and I think it would be unfair to the mass of the people to give this particular class any special advantage, particularly so great a one as that here proposed; it would produce great general discontent.

8. I am further of opinion that it would operate to the serious loss of the present creditors of the class privileged, for they would be left entirely without remedy, and all of them, it may be said, have advanced money on the security of the lands which will be privileged. I think the regulations have been too long in force to admit of the just and safe introduction of the new rule, and it will lead to embarrassment if it be hereafter decided to allow of the redemption of the land tax, for any wealthy solvent landholder will be able to claim with reason the privilege already held by a broken and bankrupt one, and no holder of Alienated Land would think of redeeming his Quit-rent, for if he did so, he would no longer be an Alienee, and he would lose a privilege of exemption from civil process. I think the law should be amended and made to work fairly, instead of being, as it now is, an engine of extortion; but I deprecate any further exclusion from its operation.

9. I hold the opinion expressed by the Right Honorable President with regard to the treatment of land held subject to payment of "Salamee."

10. With regard to Temple lands, I would recommend their being left entirely untouched. I would submit to the charge of some inconsistency for the sake of avoiding the more serious one of enriching Government by the spoil of the religious institutions of the country which the Natives and others would bring forward.

11. At the risk of being tedious, I must explain what I meant by proposing that Surinjams be made saleable and transferable. My former remarks chiefly referred to transfer by adoption as the one great privilege sought by the Sirdars and other landholders. No such holder would wish, or should be allowed, if he has heirs, to sell his estate; but, in default of an heir, if deeply in debt, he may be disposed to sell instead of adopt. In such a case, I see no reason for preventing the sales. I do not, however, by any means, urge this point. What I contended for, was the concession of the privilege of adoption.

12. I concur in all the other remarks of the Right Honorable the President.

April 8th, 1859.

H. W. REEVES.

Minute by the Honorable Mr. MALET, dated 14th April 1859.

Concurring almost entirely in the views of the Right Honorable the Governor, there are two portions of His Lordship's Minute to which, holding the opinions which I have already elsewhere recorded, I cannot unreservedly assent.

2. Most cordially agreeing in the views of His Lordship, recorded in paragraph 33, as to the expediency of declaring Alienated Lands not liable to sale by decree of a Civil Court, I would still restrict this privilege to lands inherited after two or three descents, or to those enjoyed under direct grant from Government. I would not extend it to lands which have been acquired by sale under decrees of Civil Courts.

3. The second portion from which I dissent is the proposal that, with the exception of Surinjams, all other Alienated Lands may, by the holder, be transferred by sale or otherwise. It seems to me that the arguments adduced by His Lordship against the sale or transfer of Surinjanis are, at least, equally valid against the sale or transfer of estates held hereditarily by many other tenures.

4. It seems to me essential that other classes besides those of the merchant and banker should have assured to them rank and position in the body politic; and I think it is necessary to this end that inherited land to such value, and of so many descents as may be deemed advisable, should not, except under special circumstances, be transferable from those who, in the course of nature, would succeed to it; and my opinion on this subject extends even to the transfer by adoption, which privilege I would confine within the strict limits of Hindoo law, failing a compliance with which, the succession should be determined by consanguinity.

5. I trust that the importance of the subject brought under review by His Lordship the Governor will ensure to it early attention.

A. MALET.

14th April 1859.

*Further Minute by the Right Honorable the GOVERNOR, dated
16th April 1859.*

I am much gratified to find that so much unanimity of opinion exists between my Honorable Colleagues and myself on the subject of coming to a summary and final Settlement of all claims to Alienated Revenue. I shall very briefly notice the few points upon which any difference of opinion appears to prevail.

First.—The proposed exemption of Alienated Lands from civil process in case of debt.

2. It will be observed from my Minute, that this is proposed simply as a matter of policy. The unpopularity of our Rule among the class which, for want of any better expression, I may call the landed gentry, proceeds, partly at least, from the advantages which our Courts afford to the money-lenders. The Thakoor or Grassia is ruined, his estate is sold by decree of Court, but he retains his influence, or a great part of it, and he has the sympathy not only of his own class, but of his former dependents, and of the population generally. A single ruined Thakoor in the Mhyee Kanta (Mondetti) was able last year to keep the whole of Guzerat in a state of agitation, and this, though he was not hardly dealt with; but if his estate had been in British territory, and in the Regulation districts, he would have had it sold by decree of Court, and, of course, he would have remained in *Burwuttia* to the last.

3. There is, however, a great deal in what my Honorable Colleague, Mr. Reeves, says about actual creditors. In wishing to protect the Thakoors and Grassias of Guzerat against the money-lenders, I would not be unjust upon the latter. I think that it would be a good plan to have a Court, with summary powers to decide all cases between these classes, a sort of *encumbered Estates Court*. Having once settled the claims of actual creditors, it should be no longer in the power of the holder of Alienated Revenue to burthen his estate with debt beyond his own lifetime.

4. I have no objection to the restriction of this privilege proposed by the Honorable Mr. Malet to those who hold under direct grants from Government, or, to speak more correctly, who have not acquired their rent-free land by purchase. This would exclude all the new proprietors who have generally obtained possession under decrees of the Civil Courts. As they have acquired their property in this manner, they cannot complain if, in their turn, their children are ousted by the same process.

5. I do not believe that the proposed exemption would have the effect anticipated by the Honorable Mr. Reeves, of deterring wealthy landholders from redeeming the land tax. In fact,

I do not see why the privilege of the exemption from civil process should not be continued to any wealthy landholder who may be disposed to redeem the quarter Assessment or Quit-rent which it is proposed to levy on all Alienated Lands.

6. With regard to Temple Lands, I see the difficulty pointed out by the Honorable Mr. Reeves; but, as I have already remarked, it is a choice of difficulties, and I have proposed that the special attention of the Secretary of State shall be called to this part of the subject. With regard to Surinjams, I still think they should be treated exceptionally, and this on the same grounds on which I would exempt other Alienations from civil process, viz. on grounds of policy.

7. I do not think, with my Honorable Colleague, Mr. Malet, that it is necessary to prevent the transfer by voluntary sale of all Alienations; but I would not allow the sale of Surinjams.

8. The transfer of Alienated estates by adoption would be subject to the confirmation of Government; of course, care would be taken to prevent the claims of consanguinity being overlooked.

ELPHINSTONE.

April 16th, 1859.

No. 1654 OF 1859.

FROM B. H. ELLIS, Esq.,
Acting Secretary to the Government of Bombay,
To W. GREY, Esq.,
Secretary to the Government of India.

REVENUE DEPARTMENT.

Dated 29th April 1859.

Sir,

I have the honour to submit, for the consideration of His Excellency the Governor General in Council, copy of a letter from the Revenue Commissioner for Alienations, and of the Minutes of the Members of Government thereon, in regard to a Summary Settlement of the Alienated Revenues of this Presidency.

Letter from Captain Cowper, No. 2012, dated 3rd July 1858.
 Minute by the Honorable Mr. Reeves, dated 30th July 1858.
 Minute by the Right Honorable the Governor, dated 4th April 1859 (with Extract from Captain Wingate's Draft Act referred to in paragraph 45).
 Further Minute by the Honorable Mr. Reeves, dated 8th April 1859.
 Minute by the Honorable Mr. Malet, dated 14th April 1858.
 Further Minute by the Right Honorable the Governor, dated 16th April 1859.

concurrence of the other Members of Government, except that the Honorable Mr. Reeves dissents on one point, which will be below noticed.

3. His Lordship in Council has for some time past been of opinion that a more speedy Settlement of Alienated Lands throughout the Presidency is urgently called for. The slow progress of the Inam Commission—a necessary consequence of careful scrutiny into every individual claim—is a great evil, for it keeps the whole body of holders of Alienated Revenue, whose titles have yet to be inquired into, in a state of constant uncertainty; and His Lordship in Council has come to the conclusion that the Inam Commission ought not to be continued on its present basis, and that still less would it be expedient to extend its operations to districts into which it has not yet been introduced.

4. There appeared, therefore, no alternative but the Summary Settlement which is now proposed for the whole Presidency, except Sind. The Alienations in the Province of Sind are, as His Excellency the Governor General in Council is aware, already in course of final Settlement.

5. I am directed to observe that the basis of the proposed Settlement is a combination of a light Quit-rent and a Nuzzera or succession duty, in return for which the lands will be secured to the holders as private property; the privileges of adoption, and of transfer by sale or otherwise, will be conceded, and all necessity for further inquiry into title will cease.

6. It is proposed, also, to declare Alienated Land not saleable by process of the Civil Court for simple debt. To this the Honorable Mr. Reeves does not assent, on the ground that the same privilege should be conceded to the holders of Kalsa or Government Land, and on the plea of injustice to existing creditors.

7. The latter objection it is proposed to obviate by a summary inquiry into all existing claims upon Alienated Lands. The former objection involves questions which, in the opinion of the other Members of Government, it is not necessary to discuss in reference to the Settlement of Alienated Lands. On the ground of *policy*, it is considered desirable to prevent ancient hereditary and rent-free estates, frequently held in this Presidency by persons whose ancestors possessed sovereign power, from being Alienated by the Civil Court, whose processes, it is believed, have a much worse effect on the general feeling of the country than is produced by an unfavourable decree of the Inam Commission, which rarely, if ever, can affect possessions of real antiquity, and in other cases only assesses, and does not resume lands.

8. To the question of Temple grants, I am directed to request the attention of His Excellency in Council, as this question is one which should be treated on the same principle throughout India.

9. A succession duty, or Nuzzera, is not applicable to permanent institutions; and propositions for either imposing a Quit-rent, or resuming a proportionate amount of land, are, in some respects, objectionable. The latter, His Lordship in Council is aware, would be most unpopular; the former is objected to by the Honorable Mr. Reeves on the score of what he considers the impropriety of raising a Revenue from idolatrous institutions, at the same time that he thinks it no less liable to the charge of unpopularity.

10. On the other hand, to exempt Temple estates wholly from taxation, while we abandon all inquiry into title, would be to give this class of holdings an advantage which it has hitherto not enjoyed; and, in the opinion of His Lordship in Council, it is questionable whether it would be an improvement on the present system to treat Temple grants exceptionally, our policy having hitherto been to continue and confirm them solely by virtue of validity of grant and length of possession, on grounds, in fact, precisely similar to those on which all grants of former Governments have been reeognised.

11. The treatment of Hereditary District Officers is an important subject. His Lordship in Council sees no way of disposing of it satisfactorily, except in the manner proposed.

12. The necessity for obtaining legal sanction for the rules regarding cash allowancees, and for the reduction of the names of sharers entered in the accounts, are points to which I am desired to request the attention of His Excellency in Council.

13. In drawing up formal Rules for the future decision of cash allowancees, some modifications will probably be suggested. This portion of the subject has hitherto been considered in less detail than the more pressing question of Alienated Lands.

14. I am directed to add, that it may be as well to reserve the right to impose Assessment temporarily for the exigencies of the State, in conformity with the existing provision to that effect.

15. For further detail, I am directed to refer you to the accompanying Minutes, and to request that His Excellency the Governor General in Council will be pleased to give his early consideration to the very important subject of this Despatch.

16. Copies of the papers will be forwarded to Her Majesty's Secretary of State in Council.

I have the honour to be, &c.

B. H. ELLIS,
Acting Secretary to Government.

Bombay Castle, 29th April 1859.



सत्यमेव जयते

FURTHER MINUTES ON THE SUMMARY SETTLEMENT OF ALIENATED REVENUES.

Minute by the Honorable Mr. REEVES, dated 3rd May 1859.

1. I did not see the second Minute of the Right Honorable the President until yesterday afternoon, after the letter to the Government of India had been despatched, and in the excitement of current business I was thus led to pass it on immediately, more specially as I learnt from the Secretary that it was His Lordship's desire that the papers should be printed and be sent home by the next Mail.

2. I think it necessary, however, to observe that, if the proposed arrangement for exempting Alienated, or Privileged Land as it would be more properly called, from Civil Process for debt, be carried out, there still remains the question of the realisation of the Revenue which is to be created off this land.

3. Under the Revenue Survey the land itself is the security for the Assessment. In case of default, so much of it as may be necessary to cover the Government demand is sold. Is Government to be allowed to sell Alienated Land in like manner for non-payment of Revenue? If the answer be in the affirmative, Government will retain Civil Process for its own use, while it denies it to private individuals, and this appears inconsistent, while Government will still be chargeable with taking away in satisfaction for debt that which itself conferred.

4. On the other hand, if the land is not to be sold for unpaid balances of Revenue, the following results present themselves to me:—

1st.—The value of the land will be depreciated, and this depreciation, it is to be remembered, will extend to about one-third of the whole of the land of this Presidency.

2ndly.—There will be very little security at all for the Revenue which it is proposed to realise, for the crop is proverbially unreliable, while a resort to it, particularly in a general manner, is sure to be attended, as hitherto, with all the evils of inquisitorial tyranny, to say nothing of the attendant expense.

3rdly.—For precisely the same kind of Assessment we shall have two modes of realisation, side by side.

5. A cultivator of the Privileged Land paying one-fourth or one-half Assessment will have his crop attached the moment it is ripe or before, while the cultivator of the Unprivileged Land close to his will be free to cut and carry his crop as soon as he pleases; the land in the one case being liable, in the other not.

6. I wish to record these remarks, for it appears to me that the circumstances I have noted involve not merely details but principles, which cannot but be regarded as important.

May 3rd.

H. W. REEVES.

Minute by the Honorable Mr. MALET, dated 3rd May 1859.

This should not delay the despatch of the papers as desired by the Right Honorable the Governor, as it can be sent home in continuation after it has been circulated to the Board. I do not share in my Honorable Colleague's objections to the sale of estates on account of default in paying Government Revenue; a claim which I hold to be essentially different from that on account of debt to individuals, and which, I believe, is so considered by the natives of this country, and in failure of recovery by attachment I should not scruple to resort to it.

3rd May.

A. MALET.

Minute by the Right Honorable the GOVERNOR, dated 6th May 1859.

The Honorable Mr. Reeves, in his Minute of the 3rd instant, asks if Alienated (or as it would be more properly called Privileged) Land is exempted from Civil Process for common debt, is it also not to be liable to be sold for unpaid balances of the Revenue? My Honorable Colleague

apparently thinks that if, in common with all other land, this highly favoured description of property is made liable to attachment and sale for arrears of Revenue, we shall be taking away with one hand what we are giving with the other, and that, in reserving, in the case of the Public Revenue, a right which it is proposed to take away from private creditors, we shall be guilty of inconsistency. On the other hand, he points out the risk and inconvenience of excepting these lands from the rule which provides that, in all cases of default in paying the Government Revenue, so much of the land, as is necessary to cover the Government demand, is sold.

2. I admit this risk and inconvenience, and it was not my intention to propose that Alienated or Privileged Land should, in this respect, be placed on a different footing from all other land. I shall therefore only endeavour to show that substantially there is no inconsistency involved in the course which I recommend, and that, practically, the right of sale, which would be reserved to Government, would not be felt as a grievance, and would not be liable to abuse, which the power now granted to private creditors undoubtedly is.

3. In the first place, if the plan which we have unanimously recommended for settling all claims to Alienated Land Revenue be adopted, a very great boon will be conferred on the holders of such lands, who will acquire a title such as they have never enjoyed before, either under our own or any former Government. In conferring this boon, it is surely competent to us to attach to it our own terms—these being not any exclusive or novel obligation imposed upon their lands, but simply that, for the recovery of the light Land-tax or Quit-rent which they are to pay, they should be liable to the same law of distraint and sale to which all lands are subject.

4. I cannot perceive that there is any real inconsistency in retaining this power, or in attaching this condition to the grant of the boon which it is proposed to confer.

5. In every country, even in England, the State reserves to itself special and summary powers for realising its Revenues; but, putting this aside, the sale of land for Government balances differs, I think, widely from its sale at the suit of a private creditor, for a money debt, contracted by an ignorant Talookdar or Grassia, and which, probably, amounts to ten times the sum advanced to him by the money-lender. The object of exempting these hereditary lands from process in the case of private debts, is to remove a cause of discontent and disaffection to our Government, but can it be contended that it is necessary for this purpose to exempt them also from the provisions of the law to which all lands are liable in default of paying the Government Revenue?

6. I am fully persuaded that it is not necessary for the State to abandon its right, and that practically its retention will not be felt as a grievance.

7. I should like to know how many cases have occurred under the new Survey in which lands paying the full Assessment have been sold for arrears? I venture to say, that such cases have been very rare—so rare as to be altogether exceptional, and I would ask, are they likely to be frequent where only a quarter of the Survey Assessment is to be demanded.

8. It seems that the Government Revenue being the first lien on such estates, it will very seldom happen that such an extreme measure as the sale of a portion of the property in satisfaction of the Government dues will be required.

9. I would not, however, on this account recommend that the right should be forgone. I believe, that if our recommendations are complied with, we shall have done all that is necessary to place the holders of Alienated Lands in a position of security and contentment, and I see no reason why the very small amount of Revenue which it is proposed to raise from them in exchange for the great benefits which will have been conferred upon them, should not be protected by the same Law to which all other landed property is liable.

10. I am glad to find that the Honorable Mr. Malet does not concur in the objections which have been raised on this point by our Honorable Colleague, Mr. Reeves. It is always with much diffidence that I differ from Mr. Reeves on a question connected with the realisation of the land Revenue, and it is therefore satisfactory to me to find, in the present instance, that my Honorable Colleague Mr. Malet takes the same view as myself.

6th May.

ELPHINSTONE.

SELECTIONS FROM THE RECORDS OF THE BOMBAY GOVERNMENT

No. CXXXII NEW SERIES

NARRATIVE

OF THE

BOMBAY INAM COMMISSION

A N D

SUPPLEMENTARY SETTLEMENTS

BY

**COLONEL ALFRED THOMAS ETHERIDGE
C. S. I.**

BOMBAY STAFF CORPS

INAM COMMISSIONER &c.

PREFACED BY A SKETCH OF THE EXTENT AND TREATMENT OF ALIENATED REVENUE THROUGHOUT THE PRESIDENCY FROM THE INTRODUCTION OF THE BRITISH GOVERNMENT UP TO THE PRESENT TIME, UNDER THE VARIOUS RULES AND REGULATIONS IN FORCE IN DIFFERENT LOCALITIES, SHEWING THE STEPS WHICH LED UP TO THE CREATION OF A SPECIAL AND TRAINED DEPARTMENT FOR INVESTIGATING CLAIMS TO ALIENATED REVENUE IN THE DECCAN AND SOUTHERN MAHRATTA COUNTRY, AND WHEREIN ACT XI OF 1852 WAS REQUIRED TO GIVE PLACE TO ACTS II AND VII OF 1863 FOR THE FINISHING AND COMPLETION OF THE WHOLE.

BY ORDER OF

HIS GRACE THE DUKE OF ARGYLL K. T.

SECRETARY OF STATE FOR INDIA

Despatch No. 33 dated 4th April 1871

POONA

1873

PRINTED AT THE "DECCAN HERALD" PRESS.

No. 15 Civil Lines.

Statistics

Bombay Castle, 6th May 1873.

RESOLUTION—Colonel Etheridge has completed the important task assigned to him by Her Majesty's Secretary of State in an able and satisfactory manner.

2. His Excellency the Governor in Council does not feel called upon to record any opinion as to the principles and policy which regulated the proceedings of the late Inam Commission. But he considers it due to the eminent officers who were entrusted with those proceedings to state his conviction that they were actuated by a sincere desire to do justice between the State and the parties concerned, and that they did their work with a degree of accuracy and precision which produced the most beneficial effects on the general revenue administration of the Presidency.

3. Colonel Etheridge's interesting and concise report will be of much value hereafter as a work of reference. It is to be printed and published as a selection from the records of Government.

F. S. CHAPMAN

Chief Secretary to Government



T A B L E O F C O N T E N T S .

- Paragraphs 1—2. Prefatory. Provinces conquered from the Peishwa in 1817-18 and later annexations excluded, in respect of alienated land revenue, from the common law of the Presidency.
3. Law applicable to the old and new provinces.
 4. The Inam Commission not a Resumption Commission.
 5. Benefit to Inamdar from the confirmation of titles.
 6. Old grievances adjusted.
 7. Extent of interference in case of bad title.
 8. Possession unaffected by decision.
- 9—11. Description of the word Inam.
12. Assignments in kind and fees.
- 13—14. Clive acquires for the English East India Company grants in Inam from the Nizam and Great Mogul after the manner of the French East India Company.
15. The English retain their Inams. Smaller grants change hands.
 - 16—18. Greater and smaller chiefs play at royalty and make grants. Consequent origin of numerous holdings.
 19. Such holdings not respected by the Peishwa, who did not always respect his own grants. Mootalikeo seal and its powers. Their abuse.
 20. Effects of abuse of power on the Inam tenure. Opinions of eminent Indian Statesmen.
 21. Inam tenure, as such, nowhere defined, though exempt tenures are specially dealt with by Mr. Elphinstone in giving the effect of law to the rules and regulations of the Presidency in the Code of 1827. Inam property not private property in any such sense as to free it from its duties to the State.
 22. Opinions of eminent Indian Statesmen that Inam lands should aid the public resources.
 23. Tenures recognized by the custom of the country compared with ordinarily exempt tenures.
 24. Conflicting opinions regarding the Inam tenure and right of transfer.
 25. Necessity for a special tribunal for regular enquiry into Inams.
 26. Reasons why such enquiry had hitherto failed.
 27. Corresponding state of things in respect to cash alienations.
- 28—29. Mr. Goldsmid takes up the question and shews the incredible proportion of land alienated in the collectorates of Dharwar and Belgaum.
- 30—31. Mr. Goldsmid collects *prima facie* evidence that many of the alleged Inams are surreptitious holdings and suggests the utilisation of the Poona Duftur.
- 32—34. First Committee of investigation formed.
35. Enquiry limited to two districts. Afterwards extended. Court of Directors express their approbation of the '*just and liberal principles which characterised the Committee's proceedings*'.
36. Mr. Hart's tact, ability and success induce Sir George Clerk to take a further step in the settlement of alienations. The Inam rules pass into law during the succeeding reign of Lord Falkland and become Act XI of 1852, but applicable only to the new provinces.
- 37—38. No progress made in the settlement of alienations in the old provinces under regulation XVII of 1827 and its supplements, nor indeed for the next eleven years up to the passing of Act VII of 1863. The Inam Commission continues its work for this period up to the passing of Act II of 1863.

39. Act XI of 1852 the embodiment in judicial form of rules originated by Mr. Elphinstone in 1819 and constituting the Inam Code of 1842.
40. Corresponding therewith, the rules of 1842 for the adjudication of cash and grain allowances. These, after the promulgation of Act XI of 1852, amended and enlarged, so as to be analogous thereto, and issued in that year as "The amended rules of 1842."
41. The *onus probandi* full and complete rests with Government in the case of Inam land under Act XI of 1852 as it had done since 1843. Not so, necessarily, in the case of cash under the amended rules of 1842.
- 42—48. Act XI of 1852 explained.
49. This Act approved by the Court of Directors in 1854 as the basis for a Madras Inam Commission.
50. The eventual settlement in Madras.
51. The defect of the Bombay Inam Commission. A more summary settlement desirable. Part I of the alienation enquiry complete. Part II begins.
52. Financial results of Part I not shewn separately, but included with Part II which comprises supplementary settlements.
53. Principle of the Summary Settlement.
54. Titles of Summary Settlement Acts for both old and new provinces.
- 55—56. These Acts explained.
- 57—58. These Acts do not provide for the conversion of terminable Inams into freehold, nor was it considered necessary in the old provinces.
59. Terminable Inam Settlement in the new provinces explained.
60. Results most satisfactory.
61. Extended to the old provinces.
62. Rates imposed final, except in the case of unsurveyed lands.
63. Land settlement with which the alienation department was *directly* concerned fast approaching completion. Sunnuds issued.
64. Classification of holdings, excluded from the above settlements, with which the alienation department was only *indirectly* concerned.
- 65—71. Description of these holdings and the settlements effected.
72. Cash allowance Summary Settlement explained.
- 73—74. Peculiarity of some of the Guzerat cash allowances. Settlements in the old and new provinces approaching completion.
75. Correct lists for the use of Collectors.
- 76—78. The Poona Duftur.
- 79—82. Its classification and arrangement.
- 83—86. Abstract figured statement (and explanation) shewing results of the operations of the Inam department at a glance.
87. Redemption of quit rent not sanctioned, nor likely to be taken advantage of if sanctioned.
88. No legal enactment necessary to place enfranchised Inam property under the jurisdiction of the courts.
89. Advantages derived by the State and people from the completion of the Inam enquiry. Simplification of revenue accounts.
90. The future of the alienation department.
91. Mr. G. B. Seton Karr of the Bombay Civil Service and Sir John Kaye on the subject of 'that great confiscatory tribunal known as the Inam Commission of Bombay.'
- 92—93. Refutation.
94. Conclusion.

APPENDICES

from A to Q inclusive

Being figured statements exhibiting the results of the operations of the Inam department in the several collectorates of the Bombay Presidency.

APPENDIX R

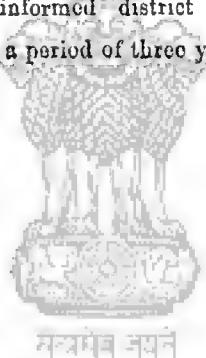
Exhibits proportions.

APPENDIX S

Gives the names of the gentlemen who have at any time served in the Inam Commission.

APPENDIX T

Gives the opinions of a few well informed district officers as to the effects of the Inam Commission proceedings after a period of three years.





FROM,

COLONEL ALFRED THOMAS ETHERIDGE C. S. I.

* Re-appointed under section 9 Bombay Act 11 of 1863. For names of officers who have served in the Inam Commission see APPENDIX 8.

Inam Commissioner* and Alienation Officer in charge of the Poona Duftur and records.

THE CHIEF SECRETARY TO GOVERNMENT

BOMBAY.

ALIENATION OFFICE AND POONA DUFTR

Poona, 21st April 1873.

SIR,

In accordance with the orders contained in the despatch from Her Majesty's Principal Secretary of State for India in Council, No. 33 dated 4th April 1871, I now do myself the honor to lay before Government an epitome of

† And supplementary settlements.

‡ Government letter No. 2054 dated 16th June 1843. The districts selected were the talukas of Hoolie and Nuwalgund in which the survey operations were in progress, comprising, respectively, 256 and 86 villages and hamlets.

2. The form the enquiry took at the outset was that of a 'Committee for the purpose of investigating the titles of persons holding villages and lands as Inam.'

Several years of experimentalising followed. Then it assumed the designation of the Inam Commission, and finally such was the ability and such the success with which Mr. Hart conducted the operations § and surmounted all difficulties that the Commission was by Legislative Enactment (XI of 1852) placed on a regular judicial footing and extended to the whole of the territory administered by the Commissioner The Honorable Mountstuart Elphinstone, viz, Khandesh, the Deccan and Southern Mahrratta country and more recent annexations, which were excluded || in respect of alienated revenue from the operation of

§ As an instance of the prudent caution of Mr. Hart I may remark that after 3 years' operations he thought it advisable to test the effects and influence of his work. Accordingly, on 3d November 1846 he put a series of questions to various officers who from moving about the districts and knowing the people could give trustworthy information. The answers are given at length in APPENDIX T. They are very interesting and of undoubted authority. The officers referred to were :—

Mr. Reeves—Collector and Magistrate of Belgaum and Political Agent Southern Mahrratta country.
Mr. Frere—Judge of Dharwar.
Mr. Mansfield—Collector and Magistrate of Dharwar.
Capt. Wingate—Superintendent of revenue survey and assessment Southern Mahrratta country.
and others.

|| The reason of this exclusion was not merely to exempt Government from being sued, but also to relieve it from being tied down by a set of stringent conditions prescribed for comparatively well settled districts and inapplicable to territories which had never before been subject to any regulations. The intention of the legislature in exempting Government from being sued by claimants to Inams in the Deccan, Khandesh, and Southern Mahrratta country could only have been to leave Government at full liberty to adopt such rules for the investigation and disposal

See preamble to regulation XXIX of 1827, also section 6 of that regulation, for the Deccan and Khandesh; extended to the Southern Mahrratta country by section 2 regulation VII of 1830.

of these claims as might thereafter appear just and adapted to the various peculiarities of the numerous districts which were, for the first time, subject to any regulations whatsoever. It is evident from different parts of regulation XVII that chapter IX was not framed with reference to those districts. Its provisions were inapplicable to the tenures, the state of accounts and their past history. Moreover, its provisions are inconsistent with the rule laid down by the Honorable the Commissioner, Mountstuart Elphinstone, for deciding and disposing of claims to Inams in the provinces under his control.

that fundamental law of the land revenue of the Presidency regulation XVII of 1827.

3. Thus then the alienation law for the older provinces subordinate to Bombay (Guzerat and the Coucans) was regulation XVII of 1827 and its supplements, that for the provinces conquered from the Peishwa in 1817-18 and later annexations Act XI of 1852. By the former the adjudication of claims was vested in the courts of civil justice. By the latter in a special tribunal called the Inam Commission.

4. What was this Inam Commission? Sir John Kaye calls it '*that great confiscatory tribunal known as the Inam Commission of Bombay*' *

Sir Charles Jackson is more just.† But, no doubt, the public generally have identified it with a Resumption ‡ Commission. Nothing could be farther from fact. The saving likely to accrue to the State was quite a secondary consideration. The first duty of the Commission was the confirmation of good titles, and this was a real blessing to the country. Its next that of laying the revised rates of assessment either wholly or partially, *though not during the lifetime of incumbents*, on those lands the titles to which proved defective, and this was a simple vindication of the rights of the public; for Government as guardian and trustee of the public revenue had other interests to consider as well as those of the holders of Inams, and it was not justified in allowing public burdens to press on one portion of its subjects in order that the other might live in luxurious indolence on alienations of the public revenue which in a great majority of cases had no pretension to authorized existence. There was no good reason why the holders of such lands should not be compelled to contribute their share to the expenses of the State. All chance of injustice was removed by the elasticity given to the Inam Act by rule 11 Schedule B§ which permitted the relaxation of the rules in favour of claimants wherever they pressed harshly. Moreover, in every case Government took the *onus probandi* on itself asking claimants to prove nothing because simple possession proved every thing till superior proof could be adduced. Thus a just and righteous consideration of their claims was secured to all.

5. The Inam Commission, then, in its legal capacity at once to confirm titles, which however good were not known to be so by the holders, or however bad could not be proved to be so by Government, or which however doubtful afforded no grounds for State interference, was a blessing to the land. The multitude of Inamdar|| comprised in these three classes lived year by year in fear and trembling lest the revenue authorities should see cause to interfere with their holdings.

They were, in fact, never safe till the Inam Commission pronounced in their favour.

* See para. 91

† See para. 93

‡ But *resumption* is in no wise to be confounded with *eviction*. Eviction never occurred. See paras. 7 and 8

§ See para. 36 conclusion, and para. 48

|| The affix *dar* frequently occurs in this narrative. It means 'one who holds or possesses,' and is used in compounds with the object held or possessed. *Inamdar*, then, means one who holds an *Inam*. It is the second person singular of the imperative of the Persian verb *dashan* to have. The *s* forming the plural is, of course, an anglicisation. The word *Inam* is explained further on. See para. 10 *et seq.*

6. And was there no injustice of by-gone years to be rectified? Yes, old grievances were numerous. The past had not been free from oppression caused by wrong decisions. Such cases were re-opened and put right. At every step the necessity for a department specially trained and possessing the peculiar qualifications requisite for such technical enquiry became apparent.

7. And, though it became a State necessity in the interests of the public to curtail the exemptions and immunities of a vast number of holders, interference even in these cases was never of a harsh or severe kind. The simple levy of assessment *after the death of an incumbent without interfering with his son's right to succeed to possession* was all that occurred in the most extreme cases.

8. Eviction was illegal. In other words, *possession* could not be interfered with.* An Inamdar was considered to be in possession if he held by himself, his tenants, sub-tenants, or agents, and very few were so disconnected with the land which produced their income as not to be in possession under the wide signification which the law thus accorded to the term. It might, however, happen in rare instances that the cultivator could shew better right to have his name entered in the government books as occupant after the land had ceased to be Inam; for, instances have been met with in which fields granted in Inam to *Bhuts†* and others have been

† Learned Brahmins, uninterruptedly in the possession of the ancestors of present cultivators from a period anterior to the date of the grant, in which case there could be no question of the cultivator being the party to be entered as the occupant and not the Inamdar. Again, in some instances the Inamdar merely enjoyed the government right, that is, the right of a landlord and not of a farmer, or, in other words, the right to the assessment, in which case also the occupant would remain in possession as the tenant of Government. Occupancy in these cases never having existed on the part of the Inamdar could not be guaranteed. Such were the only instances, few and trifling indeed, which formed an exception to the rule that the son of the Inamdar whose title had been found defective was in all cases permitted to retain possession after his father's death, paying the survey rates. In the case of an entire village the management of course was transferred to Government after the demise of the incumbent in instances in which Government could shew

* CIRCULAR NO 2449
Dated Bombay Castic 27th May 1854

3. His Lordship in Council also has to refer to a doubt which, he has been informed, is entertained as to whether Inamdars, whose claims are disallowed, are permitted to remain in possession of the Inamee lands.

4. The Governor in Council does not conceive it probable that any of the local officers can so misread either Act XI of 1852 or Regulation XVII of 1827 as to suppose that interference with actual occupation is allowable.

5. All that the adjudicating authority (the Inam Commissioner or Collector) can try is the title to exemption from assessment. In the event, therefore, of the claim of an Inamdar, who is in occupation of the land, being disallowed, the Inamdar must nevertheless be permitted to continue in possession of the land for so long as he pays the full assessment imposed on the land as khalsat land according to the revenue survey settlement, or, in districts which have not been subject to the operations of a revenue survey, according to the rates obtaining in the village in which the land is situated.

6. In cases in which the claimant, whose title as Inamdar is disallowed, has only enjoyed the government right, that is, the assessment on the land, the occupant will remain in possession, and pay direct to the village officers on account of Government, instead of the Inamdar or his agent.

7. In short, all that the laws allow, as regards resumption, is the discontinuance of exemption from payment of public revenue.

that the lowest degree of prescriptive right had not accrued and that the holder was simply a pretender, but a liberal pension from the revenue was always allowed.

9. I must not, however, anticipate. Before proceeding to consider the working of the Inam Commission and its results, it will be necessary to explain what Inams are, and to trace the steps which led up to the creation of a special and trained department for investigating claims to alienated revenue, though the necessity for such a department might be briefly said to arise out of the admitted incapability* of Collectors undertaking the enquiry, both from want of time and want of technical knowledge of the Peishwa's system of accounts.

* See APPENDIX T.

10. And, first, what is an *Inam*? This simple question had puzzled the revenue and judicial officers of the Presidency for many years. I believe, however, that much of the difficulty which surrounded the word, in regard to its more or less extended signification, in the earlier years of British administration, would have been avoided had it been remembered that it was an exotic in this country. Whatever might have been the value set upon it in its own native soil of Arabia, the word had acquired in Hindostan a modified if not a new sense. It was, in fact, what local usage had made it, and what that was could best be ascertained by the evidence recorded in the archives of the Mahratta Government, not by reference to the dictionary.

11. *Inam* in its primary sense means *gift*. In its derived or secondary sense *grant*. In the meaning of *grant* the word would necessarily include every species of grant which a granting power could bestow. But it is to grants of land revenue that I need only refer. Grants of land revenue were made either directly in land, or, constructively so, in grain and kind, or cash. By the common law of the country every acre of land is liable to the payment of assessment to the ruling power *pro bono publico*, and the right to receive that assessment might be transferred to any individual whatsoever, or conferred for the maintenance of any secular or religious office. If to an individual, it was perhaps for service alleged to have been rendered by himself or ancestors, or granted it might be out of mere favor and the freak of the moment. Grants of this kind might be free from conditions. Conditional grants would be those in which civil or military service was exacted by the State direct, or certain duties had to be performed by the office bearers in a village for the sake of the inhabitants, in revenue, police, or domestic concerns; also religious grants, which were for the maintenance of worship in the village temples and mosques, or in shrines situated not actually in the village boundaries, with the revenue of which they were, nevertheless, either wholly or partially endowed. In each of these cases the granting power parted only with its own right, which, in the case of occupied soil, would be that of receiving assessment;† and the

† In most cases, however, the occupancy would follow the grant:—that is the government cultivator before the grant would become the grantee's cultivator after the grant. It was only in instances in which the land was held by a stronger title that provision was made in the royal grant for non-interference with the occupant and the limit of the grant to the revenue. Such cases were few. But the principle is upheld by authority. Nilkantha in the *Vyavahara Mayukha* (chap. IV sect. I para. 8) states that Hindu Sovereignty in Western India did not involve the ownership of soil already occupied, that the king's title in such cases was to the revenue, which only, he argues, is to be understood as conveyed by a royal grant.

grants usually contain, except, perhaps, when waste villages or lands are bestowed, a *proviso* that the pre-existing rights of occupancy, or otherwise, are

* That is, the holder of the *Mokassa*, a share of the revenue. For a brief sketch of the divisions of the revenue under the Mahratta Government, see Note † para. 16

† That is, the holder of a *Surinjam*, an estate held on a sort of feudal tenure.

‡ That is, the holder of a *Wuttun*, an inherently hereditary estate.

§ That is, a priest.

Poojarce, §, but any or all of these may also be *Inamdar*s.

12. An indirect grant of public revenue would be an assignment in kind, as so many measures of grain &c., but these have all been commuted into fixed money payments or abolished. The official remuneration of the village staff, as well as of the hereditary district officers, was also partly made up of perquisites in kind. The grantee in these cases collected his dues from the cultivators direct. Lastly, the grant in cash is the land revenue collected by the officers of Government at the public expense into the local treasuries, and then paid away by the head of the village, or of the district, or of the province. The cash payments consist of fees to officials for service to the village or to the State, according to either a fixed or fluctuating rate on the land revenue; of dues on the occasion of religious festivals and amusements, and village expenses of all kinds; of allowances to individuals useful to the community and to hereditary idlers. It is, perhaps, to this last class of charges that, as a general rule, exception might be taken. The *wurshasundar*, or recipient of an annual allowance, merely comes on his periodical tour and receives his rupees in monthly or annual instalments from the local treasuries. He yields no public return, and is not like the public pensioner who is respected for having done something in his day which has earned him his reward.

13. But to return to the word *Inam*. Although in its literal and generic sense of *gift* or *grant* it must embrace every kind of grant, it has more especially a 'local habitation' itself as a *land* tenure. It was not until the year 1759 that the word began to dawn on Clive's mind as a reality, and not a mere empty sign. He perceived how the boundaries of the French East India Company's possessions had been extended by grants of tracts of country from the Delhi Emperor. The French had become *Inamdar*s on an extensive scale. Arcot had been fought a few years before and their power had since been everywhere on the decline, but they still had possession of a number of districts in *Inam* in the Carnatic. Clive then attempted the same plan with the Nizam at Hyderabad, and after some negotiation succeeded in obtaining the whole of the Cirkar of Masulipatam with eight districts, as well as the Cirkar of Nizampatam and the districts of Condarir and Wacolmanner 'as an *Inam*' for the English Company under sunnud as in the case of the French. ||

14. Then, again, in 1765 Clive obtained from the Great Mogul direct the grants in perpetuity of the provinces of Bengal, Behar and Orissa, and through him from the Nizam afterwards a similar grant of five districts commonly called the Northern Cirkars. These were bestowed by royal firman dated 12th August 1765 '*by way of Inam*' and the Nizam in his subsidiary instructions to the district officers of the following year proclaimed that agreeably to the petition of the English he had given them the districts '*by way of Inam*'.

15. Thus, then, we find that many large acquisitions of territory by the English East India Company were by grant in Inam. The English in the desolating wars which ensued and ended in the downfall of the Mysorean dynasty were enabled to retain possession of their Inams, but it is not necessary to pause and ask how often smaller grants changed hands in those days of anarchy and misrule and what the popular acceptation among the subjects of native states must have been of the word Inam and like terms dependent for their very existence on a ruler maintaining a close adherence to his promise. As with treaties, so with sunnuds and minor grants, the foundation on which both rested was that of reciprocal good faith. Enquiries into the origin of some of the governments of those days will assist in setting a right value upon the word Inam and kindred terms among the Mahratta people, and before proceeding farther I propose to take a rapid survey of a few notable instances.

16. And, first, the Nizam. The founder of the family was Nizam-ool-moolk a courtier at Delhi whom the Emperor nominated to represent His Majesty's affairs in all the country south of the Nerbudda, the natural boundary line between Hindostan proper and the Deccan. He started for Hyderabad and was duly acknowledged as governor of those parts. Being well versed in the history of past transactions and alive to the signs of the times it was not long before he gained a victory over the imperial troops and sent with a congratulatory letter to his royal master of Delhi 'the head of the viceroy appointed to supersede him as the head of a traitor.' From that day dates the government of Hyderabad in the Deccan. Contrasted with the noble origin of the Nizam may next be mentioned the humble rank in life of the father of the great Hyder Ali of Mysore. He was simply a belted revenue peon, Hyder Ali of Mysore. or more likely in those days the sword and shield were the badges of persuasion in collecting the revenue instalments. Hyder himself started in life as a private horseman, but by nature born a general he early rose to be commander of a numerous body of both horse and foot. He succeeded in obtaining large assignments of territory for their support, and then began to attack and seize the possessions of the small chiefs in his neighbourhood. He thus acquired a degree of political importance which excited suspicion and distrust. This he no sooner perceived than he made a bold dash at the seat of government and succeeded in deposing the raja. His son,

Tippoo, extended his conquests.—The grandfather of the great Sivajee, raja of Satara, was also of very humble origin but his father had attained considerable rank under the kingdom of Beejapoore, had been entrusted

Sivajee the founder of the Mahratta empire, and raja of Satara.

with a government, and profiting by the weakness of the king's power had rendered himself nearly independent in the southern part of the Beejapoore dominions. The same weakness encouraged Sivajee to rebel and plunder the country, and he was enabled by the increasing confusion in the Deccan to found a sort of government which the desultory operations of Aurungzebe, distracted by his numerous and simultaneous foreign wars, allowed him time to consolidate. His rebellion began about 1646. He declared himself independent in 1674, and at his death, about 1682, he was possessed of great part of the Conean, the greater part of the line of ghauts, and shared with the mahomedans the tract immediately to the east of those mountains as far north as Poona and as far south as Kolapore; but the final establishment of the Mahratta government only dates from about 1719 twelve years after the death of Aurungzebe, whose successor yielded the chouth† and made a formal grant of their territorial possessions in the Deccan.—The rajas of Kolapore are the representatives of the younger branch of this family, as the rajas of Satara were of the elder. Kolapore was recognized as a

The rajas of Kolapore. distinct and independent principality under the partition treaty concluded between Shahoo and Sumbajee, descendants of the great Sivajee, on 26th April 1781.

17. Next I may mention the struggles for power of the smaller chiefs and adventurers in the country who imitated the greater chiefs in playing at royalty. The Peishwa is an accountant

Smaller chiefs and adventurers.

The Peishwa.

with a field force. Anon we see him prime minister to the raja of Satara. He usurps in 1751, like the mayors of the

palace did in France, the supreme power and is fully acknowledged by

† The chouth, as its name implies, represented a fourth of the government revenue. The remaining three-fourths of the country was called the jagheer or moglacea; but, in addition to this, Sivajee levied a tax of ten per cent as sur deshmookhee. The divisions of the revenue stood thus.

Suppose the Government share 400

Sur deshmookhee	40
Government revenue	400
	— 440
Viz. Chonth, or one-fourth	100

Jagheer or Moglacea

— 300 — 400 or 440 with sur deshmookhee.

The babtee was one-fourth of the chouth. The remaining three-fourths was called the mokassa. This was subdivided into sahotra which was 6 per cent on the chouth, and ein mokassa, thus:—

Sub division of chouth

Babtee	25
Mokassa	75
	— 100

Sub division of mokassa

Sahotra	6
Ein mokassa	69
	— 75

The chouth was at first divided thus. The babtee was reserved for the Raja and collected by the Pritinidhi, the Peishwa, and the Punt Sucheo. The sahotra was assigned to the Punt Sucheo. The mokassa was partitioned among the sirdars. Thus their separation from the bulk of the revenue was perpetuated, but even where they all fell into the hands of the government, it still kept them up in name and sometimes in practice. One man would collect the sur deshmookhee—another, the jagheer dues—a third, the mokassa—a fourth, the babtee—and a fifth, the sahotra, on the same village. In this case the holder of the jagheer would settle the sum to be paid by the village. The mokassadar would send and collect his share from the ryots, but the other claimants would allow the holder of the jagheer to collect the rest and pay to each his share, the amount of which each would ascertain from the village accounts.

all the Mahratta chiefs as legitimate head of the nation.

Scindia was a patel of Kinherkher in Satara. Scindia of Gwalior.
Holkur was a goatherd and weaver of coarse blankets in the village of Hol in Satara also. Doing duty as horsemen under some known leader these intrepid followers soon forced themselves into notice and were fortunate enough to get shares of the cessions made to the Mahrattas in Malwa north of the Nerbudda. They thus came to be recognized as governors of independent states.

The Bhonslas of Nagpore, or Berar, were patels of Dcoor also in Satara. As the Peishwa served his royal master of Satara, so Scindia treated his nominal lord, the Peishwa, and between 1794 and 1801 was the virtual ruler of the Mahratta captains. In the last mentioned year came Holkur's turn. He defeated Scindia in a pitched battle at Poona, drove the Peishwa from the seat of government and was for a season supreme. The English restored the Peishwa and Scindia. The Berar raja and Holkur were successively reduced to obedience. During their sway, however, they had of course assumed full sovereign powers. In like manner,

no sooner had Tippoo disappeared than up started Dhoondia Waug. Gaining help sometimes from the Kolapure raja, sometimes from Scindia, he collects around him the disaffected and discontented in the country and lays whole districts under contribution. Then we see Scindia's officers snatching whole districts from the Putwurdhuns, friends of the English, and threatening the ramparts of Kolapure.—The predatory desaces, or hereditary district officers, the class that Hyder found such difficulty in subduing, when first raising himself from obscurity, who fortified their strongholds, nominally to protect their districts but in reality as the means of laying others waste, these men assumed to themselves additional importance by styling themselves *sawusthaniks*.*

The holders of the forts of Ramdoorg and Nurgoond, bound by their tenure to serve the Peishwa with quotas of horse, and to pay tribute also when the Peishwa could enforce his demand, assumed the same name. A ramoosee robber, the naik of Shorapoor, even took the same complimentary title. In Guzerat classes of robber chiefs, called rawuls and grasias, preyed on the village communities and extorted large exemptions of land, besides other immunities, from the heads of villages and the government officers, on the conditions that they would themselves refrain from plundering for the future and be answerable for the depredations of others, but such conditions were of course nominal. These instances of the sudden

Predatory desaces, or hereditary district officers.

Chief of Ramdoorg.
Chief of Nurgoond.

Rawuls and grasias of Guzerat.

* The word *sawusthanik* might be correctly applied to the holder of a very ancient possession of the time of the old rajahs of Satara, like the Hérald's *sawusthan*, but it has nothing in its tenure to signify that it was held on more favourable terms than any ordinary exempt tenure in the country. It used to be the name for those places in which holy men, so reputed, dwelt, as *swamies*, *rungasses*, *brahmacharyas* &c, who, abandoning all worldly concerns, devoted their time to the contemplation of the deity, in whom, sometimes, as at Chinchwad, a god was supposed to be incarnate.

rise of individuals in those days might be multiplied, but it will be sufficient to close the list with one more familiar fact. 'The Carnatic,' says Mr. Elphinstone, 'was at no distant period overrun with independent desaees, or poligars, but these have all been gradually swallowed up by Chief of Kittoor. ' the Mahrattas, and the desaee of Kittoor is the only one who still retains his possessions.' This desaee was one of those who was to be re-established under the treaty of 1790, should the three allies succeed in recovering the territory which Tippoo had usurped from them. The Kittoorkur had originally set himself up by fighting and robbing, like his neighbours, with beruds, katiks and shetsundees, but in 1810 became a respectable farmer under the Peishwa of a large portion of country. He died during the Mahratta war, but having been useful to Sir Thomas Munro in the subjugation of the Southern Mahratta country, his son was raised to the dignity of a tributary chieftain of the British Government. Six years later, in 1824, an insurrection broke out in which Mr. Thackeray and other British officers were killed, and the Kittoor territory was now permanently annexed. The Company's desace, of course, made grants like a Peishwa's desace would have done, but as the taint of treason passed over all his acts the British government did not consider itself bound to respect the grants made by him between 1818 and 1824.

18. My object in citing these examples is to shew that from such potentates as these originated many of the unauthorized grants of public revenue which are to be met with throughout the Presidency. To confer grants of land and pensions was, of all other rights of sovereignty, the privilege which the new ruler jealously exercised and by which he knew he could best make the arm of his authority felt, as well as to retain that authority for any length of time. To point to the land as the means of supporting his troops, to make a written assurance to the military leader that for *so long as the sun and moon endure*, should that written pledge be binding on himself and successors, was only to act in accordance with the practice of the 'high contracting powers' between whom treaties were ratified (and broken by the native power) over and over again. The sunnuds had words introduced into them of precisely the same force as in treaties, *for ever, while time endures, while the world exists*, the grant was to be obligatory on both parties, *race after race*, and so on. A warning was sometimes added for the benefit of the succeeding ruler, who was told that it was more meritorious to continue a grant than to originate one himself. An imprecation was cast on the head of any successor who disturbed the grantee in his possession, a blessing if the contrary. It would not matter whether the village or land were in possession at the time of grant. If the invader had been just expelled and another had taken his place, this altered ownership was no flaw to his grant in the invader's own eyes. Thus Hyder purchased from Busalut Jung the sovereignty of Scra long after the latter had lost possession, thus the grants by the Nipancekur in Sholapoor and some by the Kolapore raja, and some were drawn up in the name of the famous Purushram Punt Bhow, Putwurdhun,* ancestor by adoption of the present

* Another instance of successful daring and enterprise, for the progenitor was a common *Bhikshuk* or mendicant brahmin of the Concan.

chief of Jumkhundee, made to parties who had supplied him with the thews and sinews for his petty wars with factious neighbours, for service of bullets, and for horse and foot, at a time when as a mere surinjamdar, or sort of feudatory of the Peishwa, he was in no way an authority competent to alienate the public revenues in perpetuity. It is scarcely necessary to state that the future continuance of all such grants would depend on the will of the constitutional government as soon as it could re-establish its authority. A Resumption rather than an Inam Commission would at once have brought back the condition of the public revenue to its *status quo* before the invasion had taken place. But even then, some of the grantees would surely have managed to retain possession, and by degrees their names coming to be registered in the village or district accounts, they would be regarded as Inamdar by the people themselves, and that, too, without any compunction as to the original defect of title. I mean that, notwithstanding it was the land revenue which mainly supported the government, the ryots were not sufficiently civilized to look upon such grants as unjust because it made the burden of taxation fall more heavily on themselves. In districts furthest away from the seat of power at Poona greater anarchy would prevail than in parts where the ruler could more readily make his hand felt. Sir Thomas Munro has remarked of the Southern Mahratta country, that, after the accession of the last Peishwa in 1795 in districts south of the Krishna, there could have been '*no regular control*' exercised over the government property, an observation which has been tested and proved to be fully true by the investigators of titles to Inams. Indeed, it may be said that mismanagement and anarchy had reached their height during the reign of Bajerow, and that all attempts on the part of his government had failed to check the abuse, though it had long been well known that great portions of the country were held in alienation from the State as Inam in an unauthorized and fraudulent manner.

19. So much, then, for unauthorized grants by incompetent grantors; but, not only would such improper grants be not held in respect by the Peishwa but he would even respect his own grants only so long as was expedient. There is abundant evidence of this in the old records in the *Poona Dastur*,* which prove that if the Peishwa did not * See para. 76 *et seq.* always resort to the extreme act of entire resumption when his treasure was low, he put on taxes or partial assessment at will. The grants held in greatest esteem among the people are of course those which issued from the head of the government, as the ancient raja of Satara, his *alter ego* the Pritinidhi, and the Peishwa. High local functionaries as *sur subedars*, used to be specially vested with this imperial power, and any local officer might in like manner be entrusted with it, by permission, to use what was called the *mootalikee sikka*, or seal of the deputy. Thus Purusham Punt Bhow, Putwurdhnn, of some of whose grants I have spoken as unauthorized, was at a later period empowered by the Peishwa to use the *mootalikee* seal within a certain range of territory. For so long as that power was not revoked he was at liberty to make new grants and to supply the defects of his originally invalid ones as

surinjamdar, provided that he did not step beyond his jurisdiction. Tho Gaekwar, during the period he, held in farm certain of the Peishwa's districts in Guzerat, apparently had similar powers given to him as sur subedar. Scindia and Holkar and their officers holding their motalikee seals, also the nuwabs of Surat and Broach, were each held to be authorities competent to alienate in perpetuity the public revenues within the limits of their respective possessions in the Deccan and Guzerat. But, so far from even these high officials using the very important authority reposed in them with honesty and good faith, they on the contrary grossly abused the trust and in the Southern Mahratta country, says Sir Thomas Munro, openly sold their favors. 'Many Inams will be found

'on examination to have been given clandestinely by revenue
'officers without authority. Every one from the curnum of the
'village to the sur subedar of the Carnatic grants both lands and
'pensions. The sur subedar, or his deputy, when he is about to
'quit his office fabricates a number of Inam sunnuds; he gives
'away some and sells the rest. Tho new sur subedar resumes
'some but continues a part of them. When such Inams have
'not by long possession become in some degree the fair
'property of the possessors, they ought to be resumed.'

And he had previously written on the subject of charitable and religious grants in these districts that, 'a large portion of them will be found to have arisen from

'unauthorized grants and other frauds. The whole should be
'carefully investigated after peace is restored and the country
'settled, and such part of the expenditure as is of modern date
'and not duly authorized should be stopped. This course is
'followed by the native governments at every new succession
'and frequently more than once in the same reign.'

In Guzerat it was chiefly the minor officials, as patels, or heads of villages, who did what both high and low officials did in the south. The patels arrogated to themselves the power of disposing of the public lands by sale and mortgage. It has been said that they were forced to do this in some parts as the only way of meeting tho exorbitant demands for revenue which an exacting government required from them. They, at any rate, exercised this power of disposing of what was not their own very freely, and of taking it back and making new arrangements when it suited their purpose; and so general was tho practice that the people naturally supposed that it was done with the full consent of the ruling power. But what has been the consequence? Patels' grants of land in forms of sale and mortgage have come to be treated as '*tenures recognized by the custom of the country*'—a phrase to be presently explained under the denominations of *vechania* and *gerania* lands. Of course, if the patels sold the land it would be a gratuitous piece of kindness to give it gratis, or in Inam, and the public interests must have suffered accordingly.

20. Such fraudulent acts of the government officials, and the frequent revolutions and changes of masters in the country, must have left their mark on

Letter to the Hon'ble Mountstuart
Ephinstone dated 28th August 1818.

Letter to the Hon'ble Mountstuart
Ephinstone dated 8th March 1818.

the word Inam, and made the tenure of an Inam to be one thing in name whilst it was another in practice. It may be as well in this place to cite the evidence of Indian statesmen who lived some 50 or 60 years ago, saw the representatives of the former state of things, conversed with them and formed their opinions. I will premise by stating that what they wrote has, as regards this Presidency, been proved by unerring evidence of written and authentic manuscripts of the Peishwa's government to be literally true, and the researches made in the Poona Duftur may also be cited in verification. In his revenue minute of the 21st September 1815 Lord Moira (the Marquis of Hastings) Governor General of India wrote on the subject of rent free lands. 'Indeed, the scruples

' which have saved the whole of these lands from indiscriminate
' resumption have given cause to admire as much the simplicity
' as the extreme good faith of all our actions and proceedings.'

Sir Charles Metcalfe said in his minute of the 13th November 1828 that it might be truly affirmed of all holders of hereditary alienations, that they were 'drones who do no good in the public hivc.' 'I do not profess,' he writes,

' that I would have recommended resumption in every case, but
' we had a clear right to resume all alienations of revenue.'

And commenting on a proposition made by Sir John Malcolm only six months after Mr. Elphinstone left the shores of Bombay, that nuzzerana, or a tax, should be levied on every succession to an hereditary rent free estate, he remarked:—'Sir John Malcolm, indeed, is of opinion, that the imposition

' would be received as a benefit and confer confidence
' and security. Even that, I conceive, is possible; for, the
' very gratuitous indulgence which we have conferred on the
' holders of hereditary assignments of public revenue, so different
' from what they were before accustomed to, may not unnaturally
' have excited an alarm that such a boon cannot be lasting, which
' the imposition of nuzzerana on hereditary continuance might tend
' to allay, as indicating the intention of taking some recompense
' for the boon, instead of ultimately resuming it altogether.'

How confidently, then, did these English gentlemen, Lord Moira, Sir John Malcolm, and Sir Charles Metcalfe (I shall quote Mr. Elphinstone presently) all keenly alive to the sanctity of private property at home, refer to the exempt tenure of India. The latter two would have had no hesitation to put taxes on succession, which is equivalent to partial resumption; while the first named would have

resumed* the grants summarily and entirely. Then again, in how much stronger language does the generous minded Munro, ever cautious of trampling on the rights of individuals, furnish details of what he felt to be the true character of exempt tenures under native rule in the Carnatic, Southern Mahratta country, and the Deccan. I have already quoted some of his words. I will now go to his minute of the 15th March 1822 in which he states, that 'the terms in such documents (sunnuds), for ever, from generation to generation, or, in

* By resumption is meant, as already stated, not ousting from possession but laying on assessment.

'Hindu grants, while the sun and moon endure, are mere forms of expression and were never supposed, either by the donor or receiver, to convey the durability which they imply, or any beyond the will of the sovereign.'

In his minute of the 16th January 1823 he wrote still more fully :—

'In this country, under the native governments, all grants whatever are resumable at pleasure. Official grants are permanent while the office continues but not always in the same family; grants for religious and charitable purposes to individuals, or bodies of men, though often granted *for ever*, or, while the sun and moon endure, were frequently resumed at short intervals; grants of jagheers, or Inam lands, from favor or affection, or as rewards for services, were scarcely ever perpetual. It was rare that any term was specified and never one or more lives; but it made usually little difference whether the grant was for no particular period or perpetual. The *altumgha* or perpetual grant was as liable to resumption as any common grant containing no specification of time; it was resumed because it was too large, or because the reigning sovereign disliked the adherents of his predecessors and wished to reward his own at their expense, and for various other causes. There was no rule for the continuance of grants but his pleasure: they might be resumed in two or three years, or they might be continued during two or three or more lives; but, when they escaped so long it was never without a revision and renewal. I believe that the term of their lives is a longer period than grants for services were generally permitted by the native princes to run.'

He proceeded :—'It appears from these facts that, in the Carnatic, *altumgha* grants (the highest sort of royal grants) so far from being irresumable, have not been so much respected as many of the ordinary jagheers. The Commissioner of Poona, in answer to a reference made to him on the subject, has stated that he has not been able to find a single *altumgha* in the Deccan, and has transmitted a list of 590 jagheers resumed by the Peishwa's government within the last 50 years. In the Nizam's dominions, too, the resumption of the jagheers appears, from the note of his minister, Chundoo Lall, to have been regulated, as in the Carnatic, by the will of the prince.'

And added :—'There are no persons to whom jagheers have been continued without some change or modification. It can easily be shewn that princes resumed *altumghas* at pleasure. It cannot be shewn that when they were disposed to resume, the act of resumption ever was or could be prevented. It may be said that they were despots and acted unjustly. Had they seized private property they would have been regarded as unjust by the country; but

' no injustice was attached to the seizure of an *altumgha*, as the people knew that it was a grant of public revenue. The princes were, it is true, despotic, but they were liberal and even profuse in their grants, and the grants themselves grew out of their very despotism; for, it was because they found no difficulty in resuming that they made none in granting.'

And in his first quoted minute he brought in a letter from *Walajah*, the nuwab of the Carnatic, to the Government of Madras, dated 18th October 1790, on the subject of jagheer grants:—' I am prince of the Carnatic and for these 40 years I have granted, resumed and altered jagheers in such manner as I have thought proper.'

Sir Thomas Munro clearly and pointedly infers that grants of the public revenue were not regarded by the people in the light of private property. Property, under whatever name, under native rule, was a very volatile blessing. When the owner could not bury or otherwise put it out of sight, it was either destroyed by ruthless invaders, or the sheep or oxen were carried off in cattle-lifting raids. Every thing passed away but the earth could not pass away, and to it almost entirely the rulers had to look for the means of government. If this fact is constantly kept in mind, that, besides the land revenue, there was scarcely any other which contributed to the resources of the State, there being little or no excise or customs as in England, the difference between the English and native Indian rent free tenures will be better understood, and the wisdom of the aforesaid statesmen appreciated.

21. Enough has now been said on the subject of the word *Inam*. I will next proceed to show how Mr. Elphinstone dealt with the exempt tenure in giving the effect of law to the rules and regulations of the Presidency in the code of 1827 when he was Governor. It was the Hon'ble Mr. Elphinstone under whose auspices the regulation bearing upon the subject of rent free tenures was considered, matured, and at last passed into law. It is numbered XVII of 1827. In the second section of that regulation the fundamental law of the land revenue of the Presidency is declared. It says, that all land is liable to pay assessment according to its kind: but that, if a title to exemption from that payment can be set up, under certain rules, it shall be respected; provided that, such title to exemption shall under no circumstances bar the inherent right of Government to assess even the exempt lands in times of exigency, and for so long as may be required. The *Inam* tenure, as such, is nowhere defined, nor even mentioned, notwithstanding that a list of the tenures which were to be considered exempt, as being so recognized by the custom of the country, is given; but it is clear, that, from whatever cause, intentional or otherwise, the omission occurred, *Inam* land was not private property in any such absolute sense as to exclude it from the general scope of the regulation. It might be that opinions on the subject of this tenure were so conflicting, its privileges and limits so indistinctly marked, that it was considered safer at that time not authoritatively to pronounce upon it, but rather leave it to Collectors and Judges to deal with according to local acceptation as cases arose. The words of the section are:—

First. All land, whether applied to agricultural or other purposes, shall be liable to the payment of land revenue to Government, according to the established principles which govern the assessment of that description of land to which it belongs, except such as may be proved to be either wholly or partially exempt from the payment of land revenue, under any of the provisions contained in chapters IX and X of this regulation.

Second. Provided, however, that nothing contained in the preceding clause, or in the enactments therein cited, shall be understood to affect the right of Government to assess to the public revenue all lands, under whatever title they may be held, whenever and so long as the exigencies of the State may render such assessment necessary.

Here is authority, then, for the partial assessment of even exempt holdings, ignoring all title deeds, or title by prescription, and requiring in times of public need the rent free holder to bear his share of the public burden. Such property, however justly in instances of unconditional grant it might be regarded as private property, could, under this provision, never get rid of the public stake in it, and if the public could ever in this way interfere with it

during the lifetime of the holders, *a fortiori* they possessed

* By the word *holder* is meant a descendant of the grantee of the public grant, not a creditor or other assignee of the Zamindar merely.

the right of escheat when no more holders* were entitled to succeed. Before Mr. Elphinstone could have enacted

such a law he must have satisfied himself that, however correctly in some instances an exempt tenure might be regarded as of the nature of private property, in no instance could it be considered as absolutely free from its duties to the State. And here it may be observed that Mr. Elphinstone's law of 1827 is in perfect accordance with the records of the Peishwa's duftur.

22. Sir John Malcolm, the next Governor, not a year after Mr. Elphinstone's departure, did an act which, so far from shewing any intention to forego the right of partial assessment when necessary, was tantamount to a proposal to enforce it by the levy of a nuzzera, or relief on successions, as considered, perhaps, the easiest mode to the parties concerned of putting on the assessment. I have alluded to the support it met with at Lord Metcalfe's hands, and I will now quote a few words from Sir John Malcolm's minute of the 30th November 1830:—‘I have asserted that this tax might be greatly extended

‘and that it would be most productive and not unpopular.

‘The reasons for these opinions are fully given in my

‘minute. The payment of nuzzera is in conformity

‘with ancient and established usage. It is associated with

‘the confirmation of hereditary claims and, as a tax, is

‘peculiarly appropriate to the actual condition and feelings of

‘a number of the inhabitants of the provinces which have

‘recently become subject to British rule in this quarter of India.’

The scheme, however, did not meet with the approval of the Honorable Court of Directors who, in 1832, regarded it as though it were burdening a particular class of subjects with an exceptional tax, quite forgetful, apparently, that the law never intended that class to be for ever exempt from taxation should the exigencies of the State require their contributions. Here is what the Marquis of Hastings said so far back as 1815. 'Of all subjects of taxation, I should

'conceive the profits of the rent free lands the most legitimate.
'The holders of land of this description are at present exempted
'from all contributions, whether to the local police or
'Government by which they are protected, or to the public works
'from which their estates derive equal benefit with the rest of
'the community. They are indebted for the exemption, either
'to the superstition, to the false charity, or the ill-directed favors
'of the heads of former governments and other men in power,
'and have little personal claim upon ourselves for a perpetual
'exemption from the obligation they owe as subjects'.

And Sir Thomas Munro, in his minute of the 31st August 1820, proposed putting a tax of from one-tenth to one-fifth of the standard assessment on Inam land. He said, 'I can have no doubt of the right of the State to resort to

'such a measure whenever it may become necessary. It was
'never intended by the native prince who granted the Inam, it
'was never supposed by the owners themselves that their lands
'were not to aid, in some degree, the public resources.'

Mr. Elphinstone evidently held the same views as Sir Thomas Munro.

23. It may be as well here briefly to mention that the advantages of a '*tenure recognized by the custom of the country*' over an ordinarily '*exempt tenure*', were, apparently, that if in the case of the latter tenure six years' assessment by Government could be proved, it destroyed the claimant's title (in cases based, of course, on prescriptive enjoyment and not on valid deeds of grant); whereas, in the tenure recognized by the custom of the country proof of assessment for double that period, or twelve years, had to be deduced by the government officer before he could assert the government right to assess.

But in 1831 a supplement came out to regulation XVII of 1827, the Government having Regulation X of 1831. collected sufficiently trustworthy information to enable them to declare that the two tenures which I have referred to previously, called the *vechania* and *gerania* tenures of Guzerat (originating in invalid grants by patels) were now to be ranked among the tenures recognized as exempt by the custom of the country. It is a remarkable fact that in the regulations of 1823 and 1827 it was ordered that these two tenures were 'in no

'case, so far as the rights of Government are concerned, to be considered as tenures recognized by the custom of the country.'

I allude to this as exemplifying the fact that the information collected on the conquest of a country cannot be always relied on. In 1833 another

Regulation VI of 1833.

supplement to regulation XVII of 1827 was promulgated, but neither in that does the word Inam appear.

24. In this way the Collectors and Judges had been left, as we have seen, between 1818 to 1833, to set their own interpretation on the word and necessarily their decisions were very conflicting, even in the same courts. Some regarded Inam property as private freehold, which could be used in whatever manner the Inamdar chose, and recognized even his right to devise it at pleasure (which was to ignore the reversionary right of the public) on failure of descendants of the body of the original grantee. This was interpreting Inam in the sense of absolute gift, but had Government intended to part for ever with its inherent rights over this as over all property held under its protection it would not have enacted the provision aforesaid qualifying the exempt tenures, and ensuring a prospective interest in them for the benefit of the public. This provision at once dispels the notion that an exempt tenure is under all circumstances absolutely free from duty to the State. Others again would think differently, and not rest satisfied, in the absence of deeds, that an Inam tenure necessarily meant even an hereditary one still less a permanently exempt tenure. Decisions resting on this view would affirm, that, so long as the law gave to the Government the right to assess in times of exigency, transfers by sale or gift of Inam lands could only be risk transfers; and they would further declare, perhaps, that to transfer without the sanction of Government would neutralize the right of Government to claim the reversion of the holding if the family of the Inamdar became extinct. No doubt the public interests suffered by such conflicting opinions. On the subject of transfers the Hon'ble J. P. Willoughby,

Clause 2nd sect. 2
regulation XVII of 1827.

* Afterwards Sir J. P. Willoughby
of the India Council.

member of council, Bombay,* wrote thus in his minute on the *tora giras* levy of Guzerat. 'The present case

' also illustrates the necessity of attending rigidly to the earliest symptoms of innovation upon old tenures and customs. We see ' that instances where the officers of Government may have ' sanctioned, or not protested against, the alienation of rights are ' adduced as evidence to prove the alienable nature of such ' rights; and I believe, by degrees, wuttuns, and rights ' connected with offices, and created and sanctioned by ' Government for purposes of police and policy, and over which ' it is desirable that Government should continue to exercise ' control in order to enforce the performance of the duties ' attaching to such offices, have become alienable to a larger ' extent than the law, properly administered, will justify. There ' are many payments and allowances which Government may be ' bound morally to make, but which ought not and cannot be ' properly enforced by a court of law against the Government. ' Of this nature I consider the *tora giras* payment which ' Government must retain the right of discontinuing or temporarily ' withholding without challenge by a court of law. These are

' imperfect rights and no attempt made to alter their character
 ' should ever be allowed without the matter being brought to the
 ' special notice of Government; and I think it will be well to
 ' issue general instructions to the Collectors in no case to allow
 ' of transfers of rights, which partake of this character, without a
 ' special reference to Government.

25. Thus, then, all things pointed towards the necessity for constituting a special tribunal for regular enquiry into the vast amount of alienations with which the Bombay Presidency was burdened, with a view both to confirm just titles at their worth and to recover the wrongfully withheld revenues; for, in the Concan and Guzerat, as shewn, the Collectors and Judges had done very much as they liked, both before and after 1827, under the rules and regulations which in that year became law, with no consistency whatever; and in the other districts of the Presidency, not subject to that law, a few rules by Mr. Elphinstone issued in 1819, from time to time amended and enlarged, had sufficed as guide. But that Mr. Elphinstone meditated an extended scrutiny and well knew its necessity is evident from the following paragraph of the letter with which those rules were circulated. He says,

' when our system is more matured, perhaps a year hence, it
 ' will be expedient to add, as a further reward to officers
 ' discovering recent fraudulent alienations, a grant of the
 ' revenue of the year in which the resumption takes place.'

But, as in the older provinces so in the new no general plan of operations had been devised—all proceedings were desultory and isolated, and so it happened, that, although every revenue officer had assented to the necessity of a thorough investigation, in no single locality throughout the Presidency was any thing approaching to a settlement effected.

26. This was, perhaps, mainly to be attributed to the one fatal deficiency, if not its natural consequence, that of want of evidence. It became necessary wholly to trust to the assertions of interested persons, either unsupported or supported only by accounts lately given in by them or lately obtained in the districts, for the genuineness of which there could, of course, be no guarantee. The Peishwa's duftur at Poona was then virtually inaccessible and almost unknown.

27. From what has been said above it will be understood that little had been done in the disposal of land alienations either in the old provinces which were under the direct control of Government, or in the new originally administered by Mr. Elphinstone. The same may be said in respect to the cash alienations. These payments from the public treasury, especially in Guzerat, amounted to enormous sums. Their control in the old provinces was originally vested in the Government, but afterwards they were made cognizable by the ordinary civil courts, tribunals, it may be remarked, quite unfit for their adjudication. In the new provinces the control remained with Government.

28. And thus matters stood till the year 1841 when the alienation question once more came prominently forward through the energy of Mr. Goldsmid and received an *impetus* which eventually led to final settlement.

29. That gentleman had been appointed Superintendent of the revised revenue survey and assessment in the Southern Mahratta country, and in course of his operations naturally became startled at the enormous proportion of land held in alienation from the State in the two collectorates of Dharwar and Belgaum which he found to exist. Besides whole

* A *mahal* is a small district comprising from 12 to 25 villages usually, though sometimes more.

700 entire villages claimed out of the government portion of both collectorates, and in the balance of 2452 villages left to the State and government by denomination, he estimated the number of minor alienations at about 60,000 estates, the share left for Government, even in these its own villages, not averaging one half thereof.

30. Mr. Goldsmid at once set himself the task of investigating the origin of this extraordinary and almost incredible state of things. It was not long before he was able to collect information and accounts from different quarters which shewed, as he suspected, that many of the alleged Inams in that province were surreptitious holdings, and being aware of the immense importance of the Poona dastur as evidence on this subject, he on the 25th September 1841 suggested to Government the expediency of taking additional measures of precaution lest the Poona records should fall into the hands of the local revenue officers before being carefully examined.

31. Government on the 7th October 1841 assented to Mr. Goldsmid's suggestions, and he was subsequently deputed to Poona to collect and make arrangements for the safe custody of the records relating to the Southern Mahratta country, a duty which he had completed, as far as it was then possible, by the end of 1842.

32. Being in possession of these important records, and so far prepared to investigate, under more favourable circumstances than had fallen to the lot of any other officer, the numerous claims for Inams in this province, the Superintendent addressed the Revenue Commissioner on the 9th February 1843 and Government on the 4th May following to this effect, and the result was the appointment on the 16th June 1843 of a Committee, composed

of himself (Mr. Goldsmid) and Moro Punt[†] principal sudder amcen, for the purpose of investigating the titles of persons holding villages and lands as Inam in two of the districts of this province.

33. On the 17th January 1844 Mr. Hart was added to the above Committee, and subsequently owing to the successive removal of his colleagues Captain Gordon[‡] was appointed

[†] A tried and efficient political officer of considerable standing.

[‡] To assist him in August 1847.

34. Such, then, is a brief sketch of the circumstances which resulted from Mr. Goldmid's proceedings and led to the formation of the first Committee for the purpose of investigating the titles of persons holding lands as Inam.

35. As already remarked the enquiry was at first authorized as a tentative measure in the talookas of Hoobloo and Nuwulgoond.* It was, however, soon extended so as to embrace titles to Inams consisting of whole villages in the other talookas of the Southern Mahratta country, and on 17th January 1844 to all Inams in that province, to which was added the duty of reporting on the emoluments &c., of villages and district hereditary officers. Finally, under orders from the Hon'ble Court,† the extension was confirmed throughout the whole of the Southern Mahratta country, and the Hon'ble Court took this opportunity of observing that the decisions of Government on the Committee's reports already submitted to them were '*based on just and liberal principles*' and they repeated their '*approbation of the spirit in which the Committee had commenced their enquiries*' and hoped that the further investigations of the Committee, and the decisions passed thereon, might be '*characterized by the same spirit of liberal consideration towards the occupants as marked those which had been reported*' &c.

* Districts comprising 256 and 86 villages and hamlets respectively.
† Paras. 14 to 18 of Despatch No. 25 dated 18th February 1846.

36. And thus the enquiry progressed—always in the face of serious difficulties but with such tact, ability, and success on the part of Mr. Hart that the Government of Sir George Clerk determined to take a decided step in this direction. It was not, however, till the succeeding reign of Lord Falkland that the following Act passed into law.

ACT NO. XI OF 1852.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL
ON THE 13TH FEBRUARY 1852.

An Act for the adjudication of titles to certain estates claimed to be wholly or partially rent-free in the Presidency of Bombay.

Whereas, in the territories of the Deccan, Khandesh, and Southern Mahratta country, and in other districts more recently annexed to the Bombay Presidency, claims against Government on account of Inams and other estates wholly or partially exempt from payment of land revenue are excepted from the cognizance of the ordinary civil courts and incapable of being justly disposed of under the rules for the determination of titles, and the rules of procedure contained in chapters IX and X of regulation XVII of 1827 of the Bombay Code and their supplements; and whereas, it is desirable that the said claims should be tried and determined without further delay; It is declared and enacted as follows:—

I. The rules in chapters IX and X of regulation XVII of 1827, and in clause I of regulation VI of 1833 of the Bombay Code, do not apply to any of the districts of the Bombay Presidency which were not brought under the general regulations of Government by regulation XXVIII of 1827 of the Bombay Code ; and no order hitherto passed regarding the continuance or resumption of lands in any of the said districts held or claimed from Government as wholly or partially free of assessment shall be liable to be questioned in any court of law, on the grounds of any interpretation or construction of the law which may be inconsistent with the declaration made and the rules prescribed by this enactment.

II. The Governor of Bombay in Council may appoint in any zilla or other division of the territories subject to the Presidency of Bombay, which were not brought under the general regulations of Government by the said regulation XXVIII of 1827, an Inam Commissioner with so many assistants, and such subordinate establishment, as may be necessary for the purposes hereinafter mentioned.

III. The duties of each Inam Commissioner and his assistants shall be discharged according to the rules in Schedule A annexed to this Act.

IV. In the adjudication of claims to exempt lands or interests therein, the titles of claimants shall be determined by the rules in Schedule B annexed to this Act.

V. Each Inam Commissioner and his assistants shall have the same authority to procure the attendance of witnesses, and to take evidence, as now is, or from time to time may be, by law vested in the ordinary civil courts ; and so far as concerns the penalties for not giving evidence, for false testimony, for resistance of process, contempts and other like matters connected with cases under cognizance by any one of the said officers, his office shall be held to be a court of civil jurisdiction of the same authority as the superior civil court of the zilla or district in which his office from time to time shall be established. Provided that, all complaints against, or appeals from, the proceedings of the Inam Commissioner or any of his assistants, in exercise of the authority conferred on them respectively by this section, shall be made under the second rule of Schedule A annexed to this Act, and shall not be cognizable by any other authority, or in any other manner than as therein specified.

VI. Bribery, extortion, and generally all acts of abuse, or misapplication of authority, or other misconduct, committed by

any officer belonging to the establishment of the Inam Commission, or temporarily employed therein under the provisions of this enactment, shall be punishable as criminal offences, with fine and ordinary imprisonment without labour for a period not exceeding five years ; and the receipt of a present directly or indirectly, by any such officer, from any person against whom or in whose behalf he may be officially employed, shall be considered extortion. And no penalty or punishment adjudicated under this clause shall preclude any other civil prosecution to which the offender may be liable.

VII. No decision or order of the Inam Commissioner, or of any of his assistants, or of the Governor in Council, under the provisions of this enactment, so long as the same shall be in force under such provisions, shall be questioned or avoided in any court of law ; and no Commissioner, or Assistant Commissioner, or other person acting under the provisions of this act, shall be liable to be sued in any civil court for any act *bona fide* done or ordered to be done by him in pursuance of the said provisions.

SCHEDULE A.

Rules for defining the duties of each Inam Commissioner and his assistants.

1. The duty of the Inam Commissioner and his assistants shall be to investigate, in the manner prescribed by this enactment, the titles of persons holding or claiming against Government the possession or enjoyment of Inams or jagheers, or any interest therein, or claiming exemption from the payment of land revenue, and generally to act according to the instructions of Government in all matters not specifically provided for in this enactment.

2. All orders of the Assistant Commissioners shall be appealable to the Inam Commissioner, who shall also have the authority of revising and of modifying, reversing, or annulling, if necessary, their orders and proceedings; and the orders and proceedings of the Inam Commissioner shall be in like manner appealable to, and subject to modification, reversal, or annulment by the Governor of Bombay in Council, whose orders shall in every case be final.

3. The Inam Commissioner or his assistants shall receive from the persons holding, or claiming to hold, lands or any interest therein exempt from the payment of revenue, statements explaining the nature of the title by which the lands or interests are so held, and shall take and record the evidence offered in support of such statements.

4. These statements may be received either directly by the officers of the Inam Commission, or through the medium of the revenue authority of the talooka in which the land or interest so held or claimed as exempt is situated, or in which the alleged proprietor resides, without any previous procedure, except a general invitation to such land holders of a district who shall hold, or claim to hold, lands exempt as aforesaid, to state the nature of their titles.

5. But when such general invitation is not sufficiently attended to, a notice may be issued to any party holding or claiming to hold any lands, or any interest therein, wholly or partially exempt as aforesaid, requiring him personally, or by his agent, to show his title. The notice issued in such cases shall state the nature of the investigation which is intended, and shall call upon the alleged proprietor of the exempt lands or interest held, or claimed to be held, exempt as aforesaid, to attend, either personally or by an authorized agent, at a specified place, and within a specified period (which shall never be less than two months from the date of the notice being served) to explain the nature of his title to hold such lands or interest exempt as aforesaid, and to produce all the evidence forthcoming to prove it. The notice shall further explain that a failure to comply with its terms will render the land or interest to which it relates liable to attachment.

6. The notice shall be served upon the party holding, or claiming to hold, the land or interest exempt as aforesaid, or, if his place of residence be not known, upon the person acting for him, or in default of such, upon the person in charge of the land or interest.

7. If such persons cannot be found, a notice shall be posted in the office of the native revenue officer of the district, and in the chowree, or most public place of the village where the land or interest under inquiry is situated, calling on any person who may claim as proprietor to appear, either personally or by his agent, to prove his title within six months from the date of the notice, under penalty of the attachment of the land or interest, and on failure of the appearance of a claimant, the land or interest shall be liable to attachment.

8. The attachment provided for by rules 5 and 7 shall be enforced by the Collector or chief revenue authority of the district in which the land to which it relates is situated, at the written requisition of the Inam Commissioner or his assistant, which shall be a sufficient warrant to the Collector for the attachment of the land, and for the collection of the rents accruing therefrom on account of Government during its attachment.

9. As soon as possible after the receipt of the statements in each district, and of the evidence by which they are supported, they shall be tested by the entries in the government accounts and State records, and by any other evidence procurable, whether in favour of Government or of the claimants, and decisions shall then be passed on them as to the continuance, resumption, or full or partial assessment of the lands.

10. In cases where the notices provided for in rules 5 and 7 fail to procure the attendance of the persons to whom they are addressed, and no claimant appears to prosecute his claim, the Commissioner or Assistant Commissioner shall proceed to ascertain the facts of the case from such evidence as may be forthcoming or procurable, and shall pronounce such decision thereupon as to him shall seem just regarding the lands or interests to which the notices referred.

11. An attachment enforced under rule 8 shall be removed by the Collector or chief revenue authority by whom it was made, on receipt of a communication from the Inam Commissioner or his assistant certifying that he considers the attachment to be no longer necessary; but the rents collected from the land during its attachment shall in no case be restored to the alleged proprietor, except under the general or special instructions of Government.

12. Certified copies of decisions made according to the provisions of rule 9 shall be delivered, as soon as possible after each decision is passed, to the persons on whose claims the decision shall have been pronounced, or their agents; and copies of all decisions made in the absence of any claimant according to the provisions of rule 10 shall be sent to the mamlutdar, or other revenue manager of the talooka in which the lands to which they relate are situated, who shall deliver them to the parties affected by them, should they be discoverable, or otherwise cause them to be publicly posted in the village to which the lands in question belong.

13. Decisions affecting any lands, or any interests therein, passed under this enactment shall be carried into execution by the Collector or chief revenue authority of the district in which the lands to which they relate are situated, at the requisition of the Inam Commissioner or his assistant, in any manner which may from time to time be prescribed by the Governor of Bombay in Council.

14. In all cases where a person may be desirous of appealing against any decision of the Inam Commissioner

or his assistant, he shall apply by a petition, addressed to the authority by whom according to rule 2 his appeal is cognizable, which petition shall be presented to such authority within one hundred days from the date of the decree appealed against, a copy of which must accompany the petition of appeal; and no appeal which is not so made shall be admitted, without proof of the existence of a just and necessary cause for its not having been preferred in due time; and it is hereby provided that no decree passed by the Inam Commissioner or any of his assistants shall be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

S C H E D U L E B.

Rules for the adjudication of titles to estates claimed as Inam or exempt from payment of land revenue.

1. All lands held under a specific and absolute declaration by the British Government, or any competent officer acting under it, that they were to be continued Regarding Inams already declared permanent by competent authority since the introduction of the present Government. hereditarily or in perpetuity exempt, wholly or partially, from the payment of revenue, are to be so continued according to the purport of such declaration.

Provision 1st.—If any question shall arise as to the competency of the officer to make or give such declaration as aforesaid, the Commissioner or Assistant Commissioner is to suspend his judgment, and report the circumstances of the case to the Governor of Bombay in Council, to whom a power is hereby reserved of determining finally whether such officer was competent to make or give such declaration, and the Commissioner or Assistant Commissioner, upon receiving the determination of the said Governor in Council, shall decide accordingly.

2. Any land held under a sunnud declaring it to be Regarding claims to personal Inams not yet adjudicated under the present Government. hereditary shall be so continued according to the terms of the sunnud.

Provision 1st.—Provided that the grant was either made, or specifically recognized, by authority competent to alienate government revenue in perpetuity, the question of which recognition and competency is to be referred to and determined by Government in the manner prescribed by *provision 1st*, rule 1.

Provision 2nd.—And provided that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws of the land, or the rules of public decency.

Provision 3rd.—And provided that the grant was not afterwards revoked or disallowed, or an alteration of its terms ordered or recognized, by a competent authority.

3. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of sixty years before the introduction of the British Government, and then in the authorized possession of a grandson in male descent, or male heir of the body of such grandson of the original grantee, shall continue to be so held so long as there shall be in existence any male, heir of the body of the person who was incumbent at the introduction of the British Government, tracing his lineage from such incumbent through male heirs only.

4. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of forty years before the introduction of the British Government, and then in the authorized possession of a son, or male heir of the body of a son of the original grantee, are to be continued for one succession, further than that of the person who was incumbent at the introduction of the British Government, that is, until the death of his last surviving son.

Provision 1st.—The authorized possession contemplated by rules 3 and 4 does not involve the necessity of proving any specific authority from, or recognition by, the Government or Paramount Power. The mere entry of the holding, as continued in the genuine accounts of the district officers (even in those not audited and passed by the Government of the time being) will be sufficient to bring it under the heads of 'uninterrupted' and 'authorized,' so far as regards the purposes of this rule; provided only that there are no entries in the government accounts which show that the holding of such lands exempt as aforesaid must have been unauthorized by the Government or Paramount Power.

Provision 2nd.—If there be not evidence forthcoming to disprove a claimant's assertion that his holding has been undisputedly enjoyed for the number of years and descents requisite to fulfil the conditions of rules 3 and 4, respectively, his prescriptive right shall be admitted.

Provision 3rd.—The introduction of the British Government is to be reckoned from the time the East India Company became the Government or Paramount Authority over each district as regards its Inams. In the territories ceded by or conquered from the Peishwa, therefore, whether khalsat mahals or surinjams &c., held exclusive of Inams &c., the introduction of the British Government will date from the close of that of the Poishwa. But in the case of the lapse of an independent principality, or of a jaghoor more ancient than the Peishwa's Government and over the Inams of which he did not claim any authority, the introduction of the British Government should be reckoned only from the date at which the general management of the districts may have come into the hands of the Company; and in case any question shall arise as to the precise date when the East India Company became the Government over any district, or when the general management of any district came into their hands, such question shall be referred to and determined by Government in the manner prescribed by provision 1st, rule 1.

6.* Land held as wholly exempt from payment of revenue, or on partial assessment, the possession of which is not continuable

* The Rule numbered 5 appears to have been struck out without a readjustment of the numbers.

under the preceding rules, is to be resumed on the demise of the incumbent.

Provision 1st.—In case the incumbent at the time of the introduction of the British Government may have died, the permission to hold for life is to be extended to the person in whose name the land may be continued when the investigation is commenced, if there be no fraud apparent nor other reason for withholding this indulgence.

Provision 2nd.—When land is evidently held by fraud recently committed (as when an Inam which was resumed under the late Government has been re-occupied under the present Government without authority, or as when a pretended Inam is found to have originated since the introduction of this Government with the connivance of district or village officers) it shall be at once resumed, not being continuable under this or any of the preceding rules.

7. All lands held for the support of mosques, temples, or

Regarding claims to Inams apparently permanent by the nature of the objects for which they are held, and not merely personal.

similar institutions, of the permanent character of which there can be no doubt,

are to be continued permanently even though their permanent continuance may not have been expressly provided for when they were granted.

Provisions 1st, 2nd, and 3rd.—The same as the corresponding provisions of rule 2 of this schedule in those cases in which title deeds, or other records proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Provision 4th.—When there is no proof forthcoming to show whether or not an Inam coming under the provisions of this rule was granted, or even specifically recognized by a competent authority, still, if it has been undisputedly enjoyed for a period of forty years before the introduction of the present Government, it shall be permanently continued, and enjoyment proved by the more entry of the Inam, as continued in genuine accounts of the district officers, (even in those not passed by the Government of the time being,) is to be considered sufficiently 'uninterrupted' to give an Inam the benefit of this provision, if there be no entries in the government accounts which show that it must have been unauthorized by them.

Provision 5th.—If the forthcoming records do not go far enough back to test the existence of enjoyment of the duration contemplated in provision 4 as establishing full prescriptive title in such Inams, still, if so far as they do go they are not opposed to the claimant's assertion that sufficient enjoyment has taken place, the prescriptive title of the Inam shall be admitted according to his assertions, unless there be other evidence forthcoming to disprove them.

Provision 6th.—The peculiar advantages of this rule shall not apply to the holdings of individuals in their own names for the performance of ceremonial worship, claims to which must be decided under the rules for personal claims.

Provision 7th.—When claims of the denomination coming under this rule are found to be unsupported by proof of original valid title, and are proved void of sufficient prescriptive enjoyment, they are to be adjudicated according to rule 6.

8. All lands authorizedly held by an official tenure, which it is evident from local usage was meant to be hereditary, and has been so considered heretofore, even though there be no sunnuds declaring it to be so;—for instance, Inams which form the authorized emoluments of any hereditary office, as of cazees, village joshees &c., and are not merely personal, are to be continued permanently.

Provisions 1st, 2nd, and 3rd.—The same as the corresponding provisions of rule 2 of this schedule, in those cases in which title deeds or other records, proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Provision 4th.—When there is no proof forthcoming to show whether or not an Inam, coming under the provisions of this rule, was granted, or even specifically recognized by competent authority, still if it has been undisputedly enjoyed as an official and not merely personal holding from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant's own statement renders this course improper.

Provision 5th.—The provisions of this rule are not in any way to apply to emoluments continued for service performed to the State, as the service wuttuns of desaoos, surdesaoos, murgowdas, deshpandeys, patels, coolkurnees, mhars, tulwars, whose claims are to be disposed of according to the rules which are or may be established for the regulation of such holdings.

Provision 6th.—It is to be understood that mere length of enjoyment of land as Inam by an official person is not of itself sufficient to entitle a claim to be brought under this rule.

Provision 7th.—If a holding, claimed under this rule, be found incapable of permanent continuance under it, the claimant shall be allowed the advantages of any of the preceding rules of this schedule which may be applicable to his case.

9. On the resumption of any lands under the rules of this schedule, a moiety or other portion may be continued to the widows of the last incumbents during their lives, in cases of proved poverty and destitution.

Regarding provision for the widows of the last incumbents of resumed holdings.

Provision 1st.—In the case of a holding which is recognizable as an hereditary personal Inam, the widow of a proprietor who dies without surviving male issue, or other heirs to whom his Inam will of necessity descend, is by right his sole heir, and during her life the Inam cannot be regarded as having lapsed to Government. It should, therefore, in such a case, be continued undiminished during the widow's life.

10. These rules shall not be necessarily applicable to jagheers surinjams, or other tenures for service to Government, or tenures of a political nature, the titles and continuance of which shall be determined as heretofore, under such rules as Government may find it necessary to issue from time to time.

Regarding the exception of certain tenures from the application of these rules.

11. Any of these rules may be relaxed in favour of
claimants under instructions from the Governor
*Regarding the modification and
interpretation of these rules.*
of Bombay in Council, in whom shall also be
vested the power of interpreting the precise
meaning of any of the rules respecting which a question may arise.

37. Such, then, was Act XI of 1852 for the adjudication of alienated lands in the new provinces. Meantime, in the old provinces of Guzerat and the Concan which were not subject to this law, but to regulation XVII of 1827 and its supplement VI of 1833, things remained much as before.* Indeed, these provinces may be said for the most part to have remained in *statu quo* for the next eleven years, until the conversion of the Inam Commission into the present alienation department by the second government of Sir George Clerk, and the promulgation of the Summary Settlement Acts in 1863, as follows:—

Act II of 1863 for the districts subject to Act XI of 1852.

Act VII of 1863 for the districts not subject to Act XI of 1852.

38. But during these eleven years the Inam Commission had been steadily pursuing the even tenor of its way in Khandesh, the Deccan, and Southern Mahratta country, confirming good titles and imposing prospectively at the next succession the revised rates of assessment, either wholly or partially, on those lands the titles to which proved to be defective.

39. It may be well here to mention that Act XI of 1852 was merely the embodiment in judicial form of the rules, with extensions and improvements, which had guided the Inam Committee from the beginning. These rules, based in the first instance upon those issued by Mr. Elphinstone in 1819, constituted the 'Inam Code of 1842.' They were approved by the Supreme Government and the Court of Directors.

40. Concurrently with these rules for land were those framed about the same time for the adjudication of cash and grain allowances (dated 23rd June 1842) approved also by the Supreme Government and the Court of Directors. These, after the promulgation of Act XI of 1852, were amended and enlarged, so as to be made analogous thereto, and issued to the Inam Commission with the following Circular from Government.

* A step, however, had been taken in advance in respect to Guzerat. Mr. Ravenscroft had been deputed to the two southern collectorates, Broach and Surat, and Mr. Arbuthnot to the two northern, Ahmedabad and Kaira, to gather information respecting alienated State property generally and to make ready for a reform in matters alienation. It was found, however, a hopeless task to attempt to try the validity of titles to the many thousands of rent free or partially rent free holdings, representing many lacs of rupees, by the cumbersome machinery of the law in force † which admitted of endless litigation, for there

† Moreover, this law was most prejudicial to the interests of the public, for an Inamdar had only to prove exemption for 30 years at the time of enquiry to be free considered, then, desirable, till such time as a plan could be devised for summary settlement by means of which holders should be compelled to contribute their share to the expenses of the State in return for having their lands secured to them, merely to employ the interval in framing correct registers of all alienated

lands, their extents, rentals, and owners. The only exception was in the case of the *pervunnah Mandvee*, a recent lapse in 1848, to which Act XI of 1852 was applied in 1857 under the able guidance of Mr. Ravenscroft, who in the following 3 years disposed of the villages in that district, as also of the sub-grants by the Mandvee chief in Bagwarra.

Circular No. 6124 of 1852.

'As the Government of India have authorized the extension to claims for money and grain allowances of rules analogous to those numbered 3 and 4 in Schedule **B** Act XI of 1852, in supersession of rules 1 and 2 of the second division of the Government rules of 23rd June 1842, and as it appears to the Right Hon'ble the Governor in Council that so many of the rules of that schedule as are applicable to claims for cash and grain allowances should be acted upon in their adjudication, the accompanying printed rules are forwarded for your guidance in enquiries and reports connected with the continuance of such allowances; and are to be referred to by you as,

'THE AMENDED RULES OF 1842.'

These rules (and their supplements) now obtain the force of law under sections 3 and 5 of '*The Pensions Act 1871*' throughout the Bombay Presidency. Hitherto, the civil courts were only barred from the cognizance of suits against Government in the provinces originally administered by Mr. Elphinstone, viz. The Deccan, Khandesh, and the Southern Mahratta country, under the operation of regulation XXIX of 1827 and its supplement VII of 1830, not in the provinces of Guzerat and the Concan which constituted our earlier possessions. In these the courts were not excluded from jurisdiction in the matter of assignments on the public revenue, and one or two instances have occurred of decisions passed under the Amended Rules of 1842 being reversed.

41. There was, however, an essential difference in principle between Act XI of 1852 for land and the Amended Rules of 1842 for cash and grain; and it was this; that, whereas by the former law the *onus probandi* rested with Government, full and complete, to the extent of admitting everything that could not be disproved, in the latter the burden of proof did not necessarily rest with Government, because in the ever varying and uncertain payments under Native rule, which sometimes ceased for long intervals, that element of permanence was wanting which simple occupation of land had, in itself, and therefore Government was not bound to admit in the case of *cash* all that it was necessary to concede in the case of *land*. In short, in regard to *cash* claims, Government did not consider itself called upon to prove negative propositions, or admit, as under Act XI of 1852, every thing that could not be disproved. Nevertheless, the provisions of the Amended Rules of 1842 were extremely liberal, for they admitted as valid all cash entries even in the unaudited accounts of district officers. *

* And here it may be remarked that, prior to the promulgation of these Rules of 1842, much greater stringency was observed; for, the decisions which have been passed by the Government of India have been on a principle much stricter than that on which Mr. Elphinstone's Rules seem to have been framed, for *no length of enjoyment* seems to have been deemed sufficient to create an hereditary right, and nothing but the clearest expression in a written deed of the intention of the grantor has been considered sufficient to justify the alienation permanently of a portion of the public revenue.

42. Having thus described the two laws * which regulated the disposal

* Act XI of 1852.
Amended Rules of 1842.

of land and cash claims in the provinces excluded, in respect of alienated revenue, from regulation XVII of 1827, the Deccan, Khandesh, the Southern Mahratta country and later annexations, I will now proceed to say a few words on the subject of the rules :—And, first, in regard to personal holdings.

The second rule of Schedule **B** Act XI of 1852 says, that, ‘ all land held under sunnud declaring it to be hereditary shall be so continued according to the terms of the sunnud.’

This rule had 3 necessary provisions, to be considered when a claimant produced documentary evidence of a reliable character. Supposing the documentary evidence to be defective, or no such evidence was forthcoming, then the Inam Commission was bound to set up a case for the claimant under the prescriptive rules, those numbered 3 and 4 of Schedule **B**, search the records, and give him the benefit of the evidence forthcoming. If there was no evidence against the claimant a decree was passed in his favour (on the ground of the *onus probandi* resting with Government) just the same as if the evidence were in his favour, so that no claimant suffered unless there was actual disproof. † Only fraud, in a claim disallowed, authorized (*provision 1st, rule 6 Schedule B*) the laying on of assessment during the lifetime of the incumbent. Neither the production of false title deeds nor any species of fraud affected a case which could otherwise be established as good. Such briefly were the rules regarding claims to personal Inams not adjudicated before the passing of the Act. Of course, when the British Government had already pledged its word in any former decision it could not be recalled, unless it was *against a claimant* and there was proof that it was contrary to later evidence forthcoming. The word of the British Government, whether right or wrong, always held good against itself.

43. The next class of holdings are those for the support of religious establishments, as temples, mosques, and similar institutions of the country. The legislature applied the word *permanent* to these, which word held out the promise that religious toleration, which had hitherto been the policy of the British Government in India, would continue to be its policy. If the investigating officer, therefore, came across a grant for religious purposes which did not contain words expressive of its permanent character, such a character was implied (rule 7 Schedule **B**) as the very essence of the grant. The idol of the Hindoos and the Jains is, in the hearts of each, supposed to live for ever. The followers of the prophet are allowed to believe that theirs is the only true and enduring creed. When no sunnud or other documentary evidence was forthcoming in support of a title to exemption of lands for religious purposes, it then became the duty of the Inam Commission, as in the above case of personal holdings, to set up a case based on prescription, if the evidence forthcoming from the Poona Duftur would admit of it, and, in

† *Provision 2nd Rules 3 and 4.* ‘ If there be not evidence forthcoming to disprove a claimant’s assertion that his holding has been undisputedly enjoyed for the number of years and descents requisite to fulfil the conditions of rules 3 and 4, respectively, his prescriptive right shall be admitted.’

the event of authorized and uninterrupted enjoyment for 40 years under the Peishwa, or shorter time if the records did not go back so far, being deducible, to declare the holding a *permanent* one ; to last, that is, until a temple of Truth should be raised on the only right foundation, when the people themselves would naturally divert the revenues to its support. There is a marked difference in this respect between the law of 1852 for the new provinces and the law of 1827 for the old. In the latter the Collector might interfere and avenge the rights of the village goddess if the people complained that the managers of the temple were misappropriating her revenues. That law went beyond mere toleration and would justify active countenance and support if the conditions of grant were not fulfilled ; not that the Sect. XXXVIII clauses 2, 3, 4. Collectors did actively interfere, but that they would be justified by law in so doing, if their aid were solicited by the people. Indeed, it was only at the end of 1842 that the practice was discontinued of the Collectors certifying in their abstracts to the Civil auditor, that the payment for *más-abishek, vyâs pooja*, and such religious ceremonies, was made to the proper parties, and that during the period charged in the abstracts those ceremonies had been duly performed. But by leaving the religions to themselves, as the Act of 1852 required, these false creeds were likely to go to decay much quicker than if government officers showed the slightest interest for the preservation of their worship.

44. A third class of holdings consists of *Inams* granted for the performance of service to the village, as contra-distinguished from service to the State. These are official tenures and by local usage are hereditary (rule 8 Schedule B) for they form an integral element of the village constitution.* Whether or not a grant had words introduced into it of hereditary import, the holdings would, nevertheless, be so treated. There are a great many petty village offices, but all do not exist in every village, though many are common to every village. The mode of treatment was much the same as that described above. The holding would be continued *permanently* as official emolument (*provision 4th rule 8*) if there was no proof forthcoming to shew that it was not what the claimant represented it to be. The holdings here referred to are those, for instance, of the *cazeet*, *joshee*, *lohar*, *sootar* &c., not those in any way involving service to the State such as those of the *patel* or *coolkurnee*, *mhar* or *tulwar*. These were to be disposed of under rules expressly established for their regulation and described further on.

* A Mahratta village has been rightly termed a self constituted corporation. It is, indeed, a most complete little commonwealth held together, independent of the outside world, by the individual interests of its inhabitants and forms a centre of stability in the country. It has within itself the means of supplying all its wants and necessities. In older days many of its inhabitants never stirred beyond its limits. It has its hereditary succession of office bearers and artisans. These are commonly known as the *bârâ bulootâ*—Opinions vary as to who these twelve individuals were, but they are generally admitted to be (1) the *Patel* or head revenue and police officer, (2) the *Coalkurnee* or accountant and registrar, (3) the *Sootar* or carpenter, (4) the *Lohar* or blacksmith, (5) the *Chumblar* or worker in leather, (6) the *Khoombhar* or potter, (7) the *Nharee* or barber, (8) the *Pureet* or washerman, (9) the *Joshee* or astrologer, (10) the *Goorow*, *ponjaree*, or priest, (11) the *Sonar* or goldsmith, and (12) *Mhar* or watchman. They varied, however, in different localities both in name and number, but *bârâ*, or twelve, is considered the proper number of effective officials, or *bulootidars*, for each village. In contradistinction, there were other *bârâ*, or twelve, *aloatidars* considered to be non-effective. Under the British Government they have been divided into *useful* and *useless* and disposed of as described in paras. 65—68.

45. Passing from the village staff we next come to the hereditary district officers, the desaees or deshmookhs, surdesaees, nadgoundas, and deshpandees.* Their duties are

* District police and revenue officers. The desaee and deshpandee were to the district what the patel and coolurice were to the village. The duties of the former are however now abolished. The British system of management and collection has superseded the Peishwa's district system (para. 69). The village system has been remodelled and retained (para. 68).

entirely superseded by the present revenue system of the British Government. Their emoluments in land, grain, and cash were a great burden on the public revenues. The service, if any, taken from them was generally by means of deputies, or a small tender in cash in lieu of service so absurdly disproportionate to their gigantic service holdings as to make it almost tantamount to keeping up two establishments for purposes of collection, *viz.*, that of these officers who were the chief instruments in the Peishwa's time for this duty, and our own costly establishment of dusturdars, mamlutdars, deputy collectors, mahalkurees and subordinates. Able revenue servants of Government have over and again recorded that these hereditary district officers, or mahal zemindars, are a most useless and inefficient body of men, never willingly aiding the operations of the public servant of Government, but rather doing their utmost to thwart and mar all his endeavours. Particularly was this found to be the case, when, while professing to bring the Inam Act into force, they threw every possible obstacle in its way, and this, considering how handsomely they were remunerated, was scarcely to have been expected. Instead of regarding their service holdings as remuneration or wages, they looked upon them as their *husks* or rights, free from all conditions. In Bengal the hereditary district officers of the former Government had long previously been numbered among the things that were. How they were settled on the Bombay side will be described further on. Very few cases were disposed of by Government on reports from the Inam Commission.

46. Next comes a class of holdings to which the rules for the adjudication of other holdings did not necessarily apply. These are holdings of a political nature, an exempt class among the exempt. The sirdars and chiefs have ever been treated with extreme indulgence. They often clamour for their rights but do not always remember their obligations. The treaty of Punderpoor (August 1812) by article 2 of which '*the jagheerdars engaged to restore promptly all usurped lands &c.*' is a dead letter so far as it was designed for the advantage of the public, while they are allowed to retain possession of whatever Inams &c. they held at the breaking out of the war (1817) within the special dominions of the Company irrespective of the question of original right. That branch of the political holdings, however, which is not guaranteed by treaty upholding the *status quo ante bellum* comes under the surinjam rules of the Deccan, and will be described further on, for all the smaller class of Deccan surinjams have been disposed of by Government through the medium of this department. It may briefly be noted here that the Deccan surinjam enquiry has revealed the scramble for Inams which took place during the decadence of the Peishwa's power and in the confusion which attended his downfall, how soon the majority of officers had given to the word Inam a sense of permanency which it never bore under Native government, and how holdings not strictly Inam came to be entered in the government accounts under this heading, thus

escaping conditions of service. It has also gone far to correct erroneous opinions which prevailed, not only on the *mokassa*, *jagheer*, or *surinjam* tenure, three convertible terms in theseo parts, however generic the last named may be elsewhere, but has assisted in diffusing a great deal of useful collateral information on alienation matters generally.

47. That clause in the Inam Act which authorized the trying officer to continue during the lifetime of incumbents those holdings which failed in even the lowest degree of prescriptive right and were liable to resumption, or, more correctly speaking, to the levy of assessment, in consequence of defective title, gave sufficient warning to the son, or legal heir (as a creditor under a certificate of the civil court,) not to look to the holding, or rather to its further exemption from assessment, as a means of future support or of defraying money claims against the holder, though on the demise of the incumbent a moiety might be continued to his widow for life in case of poverty. In the event of the title not being defective and there being no male issue the widow was recognized as sole heir, and the Inam was continued intact during her life. No holding was interfered with during the lifetime of an incumbent however bad the title, and although the survey rates of assessment were imposed upon the land after his death, his son, succeeding to possession in ordinary course, became entitled to the 30 years' guarantee by virtue of being the occupant of the soil, and his name was entered in the public accounts as the guaranteed government tenant. Of course it was otherwise if he were merely the recipient of the government rent, but such instances, as I have remarked, were comparatively few.

48. The last rule in Schedule B I have already referred to (para. 4), tlat which lends to this liberal law greater liberality by authorizing the relaxation* of any clause which from * See conclusion para. 36 page : any unforeseen cause might press harshly.

49. Such, then, was Act XI of 1852 an embodiment of the rules which after 10 years experimentalizing had been found to work well. After the promulgation of this law its results were watched very carefully by the Home Government, and when the time came for a corresponding enquiry in Madras the Hon'ble Court observed in their despatch No. 21 dated 27th September 1854 to that Government, that, 'the rules framed for the guidance of the

'Bombay Inam Commission as detailed in Act XI
'of 1852 appear to us to be as liberal and indulgent
'to the Inamdar as is compatible with justice to the
'other interests involved in these questions, and we think
'it desirable that the provisions of that Act should
'form the basis of your future decisions of Inam qustions.'

They had premised by saying, 'we are disposed to deal liberally and considerably
'with the Inamdar, but we must reiterate an opinion we lately
'expressed to the Government of Bengal that it is only justice
'to those who contribute to the expenses of Government that
'immunities and privileges resting on no foundation
'of right should be gradually and considerably eradicated.'

The Madras minutes of consultation in the year following (1855) add, that,
 ' after the long possession which has been tacitly permitted it
 ' would be only fair to deal liberally with these cases and to for-
 ' bear to resume immediately; that the proceedings should be
 ' rather of the nature of those at Bombay under Act XI of 1852.
 ' Thus the immediate recovery of revenue from this source
 ' would not be great but ultimately it would be very considerable.'

But, in the final minutes of consultation in 1857, when the whole question was elaborately and comprehensively reviewed, it was declared, that, 'the rules

' prescribed by Act XI of 1852 for Inams held in the Presidency
 ' of Bombay though extremely liberal were inapplicable to the
 ' circumstances of the Madras Presidency, nearly the whole of which
 ' had been under the British Government for above half a century.'

50. The eventual settlement in Madras partook very much of the nature of the 'Summary Settlements' in Bombay to be described further on. A general confirmation of Inams, the owners of which were to contribute to the requirements of the State in consideration of an absolutely secure title and the removal of the existing restriction on the transfer of their estates from the line of the original grantees whether by sale, gift, or adoption. In other words, an indefeasible and unrestricted right of property.

51. I will now bring to a close the narrative of the constitution and working of the Inam Commission, which may be considered the *first part* of the alienation enquiry. I have shewn that it commenced in 1843 as a tentative measure, that it worked successfully for several years under the able guidance of Mr. Hart in the face of serious difficulties, and that finally in 1852 it received a legal *status*. It had, however, one great defect. It was not calculated within a reasonable time to attain the end for which it was designed. It was too slow. Sufficient progress had not been made in the adjudication of titles during the 18 years that it had been in force and a multitude of cases still remained for decision. Accordingly, a more summary mode of settlement was projected, and the operations which followed thereupon may be considered the *second part* of the alienation enquiry.

52. I do not propose to pause here and shew the financial results of the Inam Commission by itself, but to proceed with a description of the various supplementary settlements, and then in tables further on to exhibit the financial results of the alienation enquiry as a whole.

53. Up to this time Inam property had only been considered private property in the restricted sense that an Inamdar could do what he liked with his own so long as it was his own; that is, no escheat could take place so long as the original grantee had descendants. Such was the custom of the country. But the public never lost their reversionary right in case of the extinction of the family of the grantee and the obvious fulfilment of the intentions of the grantor. Now, however, the time had arrived when all restriction was to be done away, and the words *lapse* and *escheat* (except when no owner could be

found) were to disappear from the vocabulary of the government revenue officer. All personal Inams were to become transferable freehold, alike those which had not been adjudicated as those which had, an equivalent to the public for the right of reversion foregone being secured by the imposition of partial assessment.

54. The Summary Settlement Acts under which this state of things was brought about are those numbered II and VII of 1863, the former relating to the new provinces, the latter to the old, as follows.

For	For
THE DECCAN, KHANDESH, AND SOUTHERN MAHARATTA COUNTRY.	GUZERAT AND THE CONCAN.
<i>Act No. II of 1863.</i>	<i>Act No. VII of 1863.</i>

An Act to facilitate the adjustment of unsettled claims to exemption from the payment of government land revenue, and to regulate the succession to and transfer of lands wholly or partially exempt from the payment of such revenue in those parts of the Bombay Presidency which are subject to the operation of Act XI of 1852 of the legislative Council of India.

An Act for the summary settlement of claims to exemption from the payment of government land revenue, and for regulating the terms upon which such exemption shall be recognized in future in those parts of the Bombay Presidency which are not subject to the operation of Act XI of 1852 of the Council of India.

55. These Acts provide that all personal Inams already formally adjudicated to be exempt wholly or partially from the payment of land revenue hereditarily in perpetuity, may, at the option of the holder, acquire an enlarged tenure and become heritable and transferable freehold, on payment under Act II for the new provinces of an annual or occasional nuzzeraana, and under Act VII for the old provinces on application to have the holding brought under the settlement as if no previous adjudication had been made, when it would be held with all the privileges conferred by the said settlement and subject to all its conditions. All temple and official holdings already formally adjudicated to be permanently continuable and not transferable would be so continued according to the terms of decision.

56. To cure defect of title in the case of all unadjudicated lands, a quit-rent (in addition to any existing payment) under Act II for the new provinces of four annas for each rupee of assessment, and under Act VII for the old provinces of two annas for each rupee of assessment, was imposed. Such of these lands as were held on personal tenure also became heritable and transferable freehold without further payment in the old provinces, but in the new an additional anna

as nuzzerana was levied. In no case were lands other than personal allowed to become private property. Holders were free to elect formal adjudication in preference if they chose, taking the *onus probandi* on themselves, but this alternative was seldom resorted to.

57. Neither of these Acts, however, made any provision for Inams already formally adjudicated to be not continuable hereditarily; or, in other words for terminable Inams so already adjudicated.

58. It seems, indeed, that no measure of relief for this class of holdings

was at first deemed necessary in the old provinces,*
for Act VII specially declares that they 'shall
'continue to be held according to the decision passed
'in each case.' They were, however, very few, and

separate treatment may not have been considered necessary.

59. But in the new provinces where under the operation of Act XI of 1852 terminable Inams were numerous, a special measure of relief was passed for this class of holdings. The government instructions were contained in a letter No. 2900 dated 1st August 1864 and were to the effect, that (1) no lapsed holding should be revived, that (2) commutation should only be offered in instances in which an individual during whose life a holding would not lapse to the State was still alive, that (3) grants by the British Government might be treated under the settlement as alike advantageous to the public and the holders, that (4) commutation was to be based upon the present state of a holding and not upon its condition at the date of decision or grant, that (5) there should be no distinction as life holdings between those holdings originally adjudicated to be continuable for life and those which originally adjudicated to be continuable for more than one life had by circumstances become life holdings. Such were the leading features of what was called *The terminable Inam Settlement* in the Deccan, Khandesh, and Southern Mahratta country; and the terms were, that, if an Inam continuable until the death of the last surviving son of an individual was at the time of settlement in the possession of himself it should be subjected to one half of the ordinary assessment less existing charges, if in the possession of his son's generation to two thirds; and, in the same way, if an Inam continuable until the death of the last surviving grandson of an individual was at the time of settlement in the possession of himself it should be assessed at one third, if in the possession of his son's generation at one half, if in the possession of his grandson's generation at two thirds. There was also a clause in the case of life Inams making it incumbent upon the heir, before succession could be allowed, to pay up at once the balance of revenue for any unexpired portion of 10 years should the holder die previously.

60. The object of this settlement was to enfranchise the only class of Inamdar to whom the advantages of the Summary Settlement could not be

* Relief was, however, subsequently afforded, para. 61.

extended and thus complete the enfranchisement of all. The results were most satisfactory*. There were of course a few dissentients, those who could not persuade themselves to give up any portion of their present advantages, whose holdings will now lapse under the terms of original decision, but the great majority were glad enough to purchase the freehold for the benefit of their families.

61. This settlement, converting *terminable* Inams into private property, was subsequently extended to the few such holdings in the old provinces.

62. All the rates imposed under any of the aforesaid settlements were fixed in perpetuity and not liable to increase or decrease on any new assessment, except in the case of lands which had not been already assessed by the revenue survey then in progress.

63. Thus, then, the land settlement with which the alienation department was *directly* concerned is fast approaching completion†. Sunnuds have been issued, and it is no less gratifying to record that the government revenue has largely benefited from arrangements which have given much contentment to the people.

† The aggregate extent of what remains to be done in each collectorate may be seen by reference to the abstract figured statement para. 83, col. 5, and the detail may be traced in the classified tables at the end, appendices A to Q inclusive, the Godra Punc Mahal district, a recent cession by Scindia, remaining wholly for settlement.

64. There were, however, certain classes of political, service, and official holders, excluded from the above settlements, with whom the alienation department was only *indirectly* concerned, and it will now be necessary to refer to them. They may be classified as follows ;—

I. Surinjamdars and jaghoerdars (not guaranteed by treaty)

II. Hereditary district officers.

III. Village officers and officials, *viz.*

A. Government officers.

B. Useful to Government and village.

C. Useful to village only.

D. Useless alike to both Government and village.

I will take them in the inverse order to that in which they stand.

65. The class of village servants who are now useless alike to both Government and the community consists of those whose offices if they ever existed have become obsolete : individuals, in fact, in the enjoyment of State emoluments for doing nothing‡. In the new provinces the principle was adopted of continuing permanently one half of these emoluments as transferable freehold, the other half becoming a permanent lapse to the State. Untaxed land was subjected to one half of the ordinary assessment, taxed land was subject to

Class III, subdivision D, para. 64.
Useless alike to both Government and village.

‡ Such as the *poddar*, *shetee*, *metee*, &c.
see para. 44 and note *

assessment to the extent of a moiety of the difference. That portion of the emoluments which consisted of cash payments from the treasury was compulsorily bought up at 10 years' purchase of the annuity if under one rupee. If above, the moiety continuable was at the recipient's option either bought up at 20 years' purchase or merged in a reduction of any assessment payable by him on any lands held by the same title. In case of refusal to accede to this arrangement the cash payment at its original amount was held to be a life grant, and, under Resolution No. 1269 of 1868, ceased at death. The object was to rid the collectorate books of petty disbursements. The settlement for this class of holdings, then, consisted either of the consolidation as a permanent charge of the land and cash emoluments, or otherwise of the cessation immediate or at death of the latter. Sunnuds are issued converting the property into transferable freehold at the ratio of assessment specified therein. The few cases adjudicated by the Inam Commission in former years have been similarly treated under the Resolutions of Government Nos. 86 and 2786 of 1867. In the old provinces the lands of this class of holders have been fully assessed and the cash items which are few and very insignificant stopped. The holders become in all respects government ryots.

66. The class of village servants who are now only of use to the community

consists of those who though performing no service to Government are still of some use to the village. The holdings of this class are subject to local service and are not transferable.* In the new provinces they were assessed at one fourth of the proceeds to cure defect of title. The cash items were not purchasable as in the

case of the useless class, for Collectors were opposed to the diminution in any way of the guarantee for the performance of service which existed in the retention of the present official emolument entire. The form of sunnud sanctioned by Government in Resolution No. 872 of 1867, however, admits of the merging of the cash item in the land settlement, so that in this way the Collector's books are, notwithstanding, relieved from numerous petty entries. The few cases adjudicated by the Inam Commission in former years have been treated under Resolution of Government No. 2735 of 1867. When the holding consisted simply of cash as sometimes happened one fourth was deducted and the remainder continued under sunnud as permanent emolument appertaining to the office. In the old provinces these service holdings were continued subject to a deduction of one fourth or one half their proceeds according as the service to be performed was more or less useful to the village community. The cash items were very insignificant. Sunnuds have been issued to all.

67. The class of village servants who are useful alike to Government and

village yet remains unsettled in both the old and new provinces. The holdings are generally small, and, being for the most part already heavily burdened with quit rent, perhaps require no settlement† other than continuance as at present under police or municipal regulation.

Class III, subdivision C, para. 64.
Useful to village only.

* Such as the *caree*, *joshoo* &c.
see para. 44 and notes.

† Such as the *mhar*, *tulwar* &c.
see para. 44 and note *

68. The class of village servants who are designated government officers consists of the patel who is the chief police and revenue authority in the village, and of the coolkurnee, his assistant, the village accountant and registrar.

Class III, subdivision A, para. 64.
Government officers in villages.

The principle of settlement in this case was to provide adequate remuneration for that member of the family in which the office was hereditary who was actual officiator for the time being. The sources of income were generally three:—land, for the most part exempt from rent, direct levies in cash and kind from ryots or compensation in lieu thereof, and cash payments from the government treasury. The true value of the income derived from these sources taken in the above order was determined and adequate remuneration for the officiator provided from them when sufficient, when insufficient an assignment from the treasury made up the deficiency, when more than sufficient the land in excess was assessed at one half the revised survey rates. This order and mode of calculation secured to the State the benefit of the lapse of cash allowances on the death of present incumbents which made up to some extent for the extra amount which had to be contributed from the treasury. Patels and coolkurnees who were not wuttundars merely received the remuneration assigned to officiators. The remuneration was fixed according to scale, being a certain percentage upon the village revenues.

69. Next for consideration come the Hereditary district officers. These officers, as briefly mentioned in para. 45, were the chief instruments in the Peishwa's time for the collection of revenue. Being now superseded by our own costly establishment of dufturdars, mamludars, deputy collectors, mahalkurces and subordinates, their services were really no longer required, and, being dispensed with, the full assessment might properly have been levied on their holdings.* This, however, was not done.

Class II, para. 64.
Hereditary district officers.

A few cases in Belgaum were disposed of by Government

* This would have left them a large margin for maintenance. The Peishwa would simply have dispossessed them.

upon reports by the Inam Commission. It is to be regretted that these reports were not printed, but the extreme fairness of the enquiry may be judged of from the only one that was printed, that forming selection No. XV from the government records, old series, which illustrates sufficiently the meaning of the words 'testing the statement of a claimant by the entries in the government accounts and State records.' The historical portion of another case was published, selection No. XII; but the settlement by means of these long and laborious reports neither progressed well nor expeditiously. For many years the enquiry halted and it was only in March 1863 that Government determined upon appointing a Commission presided over by the late Mr. Stewart St. John Gordon†

of the Bombay Civil Service for the purpose of the settlement of these cases in the Deccan, Concan, and

Southern Mahratta country. A corresponding Commission was shortly after appointed for Guzerat presided over by Mr. W. G. Pedder. The principle of both settlements was a commutation for service. There were, however, instances

† Afterwards the Hon'ble Stewart St. John Gordon of the legislative Council of India.

in which the abolition of service was not viewed favourably by the zemindars :—these instances were few and occurred in few collectorates ;—the settlement effected in these cases provided for the continuance of service under certain arrangements. Hence the settlements became known as the *non-service settlement* and the *service settlement*.

It may here be remarked that, notwithstanding it was the object of Government to get rid of zemindars as State servants and to commute their service every where, the *service settlement* was nevertheless, in the first instance, adopted generally in the collectorate of Kaira. The idea seemed to prevail that Government would not be compensated in this particular district for the loss of service, supposed to be valuable from the intelligence and respectability of the majority of the zemindars, by the amount which these district officers could be induced to forego under a *non-service settlement*. The measure was at once exceptional and experimental. As a rule, the Collectors' departments had every where complained of the inefficiency of the hereditary officers and were desirous to get rid of them by means of a fair commutation for the service which was the condition of their tenure. Eventually the Kaira collectorate proved to be no exception to the rule in this respect. The *service settlement* was found to work badly, and a *non-service settlement* was substituted. It came into operation on 1st February last.

The commutation fixed in the several collectorates of the Presidency was very light. It represented not only the government demand for service but the cure for a possible defect in title. Although these service holdings might have

been assessed fully the levy only amounted in Dharwar to 6 annas in the rupee, in Belgaum to 5 annas and 3 annas*, in Sholapur 4 annas, in Satara 4 annas, in Poona 5 annas, in Ahmednagar 4½ annas, in Rutnagiri 5½ annas, in Tanna 5 annas, in Khandesh 6 annas,

in Surat 3 annas, in Broach 5 annas, in Kaira it varied from 3 annas to 8 annas according to nature of emolument, and in Ahmedabad it varied from 4 annas to 8 annas. In the Godra Punch Mahal† the rate remains to be fixed. It should be added that the collectorates of Kuladgi, Colaba, and

Nasik are not specified above as they were not formed at the period of the settlement. The commutation rates in these districts are the same as those of the collectorates out of which they were taken. The financial results of the whole are shewn in tables at the end. It may be mentioned that the terms of the sunnuds issued to the zemindars are not only not the same throughout the Presidency, but are not the same in all respects in the same division. Tenure and succession have been regulated by local usage.

70. The political holdings were a class by themselves and have been dealt with separately. There were many large holdings of this description all over the Bombay Presidency except in Guzerat. Some involved the performance of military

* Three annas in the rupee on those emoluments which had been adjudicated to be held on good title, subject to the government demand for service. In these cases no levy was required to cure defect of title.

† This district is a recent cession by Scindia and wholly remains to be settled.

service. Some did not. On the settlement of the country by the Hon'ble Mountstuart Elphinstone after the downfall of the Peishwa such of the military surinjams and jagheers as had not been guaranteed by treaty were ordered for resumption. Some were resumed but many escaped resumption. The guaranteed military holdings have since commuted their service. Of the surinjams and jagheers which did not involve the performance of military duty, and in contra-distinction were designated personal, some were guaranteed by treaty, the remainder were made subject to adjudication of title according to rules expressly drawn up for the purpose. The guaranteed holdings were exempt from enquiry of any sort and the purport of the guarantee was to uphold the *status quo ante bellum*. The nature of the guarantee in each case will be found in the book of treaties. The surinjam enquiry (of unguaranteed holdings) has been one of the most important of the many arduous duties which the Inam Commission has been called upon to perform. These holdings were to be found in the Deccan only. The principles approved by the Home Government according to which the continuance of these holdings was to be regulated were:—

1st. That all surinjams granted prior to A. D. 1751, or held in commutation for any thing so granted, should be considered hereditary.

2nd. That all surinjams granted between A. D. 1751 and 1796 should be continued to the holder at the introduction of British rule and for one generation further, with a pension of half the net proceeds of the surinjam to the third generation.

3rd. That all surinjams granted after A. D. 1796,—that is to say all surinjams granted by the last Peishwa, Bajee rao,—should be continued to the holder at the introduction of British rule, after his death a pension of half the net proceeds being granted to the next generation.

The word *hereditary* in rule 1st simply meant, in the first instance, continuance to the occupant at the introduction of the British Government, *the first British grantee*, and his descendants, but it was subsequently allowed to comprise the brothers of the first British grantee and their descendants*, though in case of a surinjam being divided among these brothers, or other separate provision having been made for them, each brother would in that case transmit his separate interest to his descendants without the right of cross inheritance in case of the failure of lineal descendants†.

* This expansion of the original meaning came afterward to be termed '*hereditary in the fullest sense of the word*'

† Despatch from the Secretary of State No. 8 dated 20th February 1860, paras. 13 and 14.

71. I do not propose to enter here upon any of the details of this intricate and laborious investigation as the whole proceedings in separate volumes have been printed and form portion of the new series of selections from the records of the Bombay Government. It will suffice here to say, that so faulty was the enquiry into the Deccan surinjams in 1844 by the agent for sirdars, Mr. Warden, and so imperfect the revision, though under special

orders from Government, in 1847 by his successor, Mr. Brown, that the Home Government decided upon handing over the whole of the Deccan surinjams for scrutiny to the Inam Commission. Since then the numerous surinjams of the lapsed kingdom of Satara have come up for disposal, and the enquiry has but recently been completed. Each case formed subject of separate report by this department and special orders were passed on each case by both the local and Home Governments. In every instance has Her Majesty's Secretary of State for India been pleased to accord his approval of these proceedings. The results are exhibited in tables at the end.

72. It now only remains to describe the cash allowance summary settlement. In para. 40 I have referred briefly to the Amended Rules of 1842 and their supplements, 'The Code' for the formal adjudication of cash allowances. This Code was equally applicable to the old as to the new provinces, though in the former the civil courts did not consider themselves barred from exercising jurisdiction over Government as defendants in the case of adverse decisions passed under those rules, on the plea that those rules had not the force of law. These rules were well suited to the circumstances of the new provinces and part of the old, but were not quite adapted to the state of things in Guzerat. They were based upon the assumption that the *Poona Duftur* contained copious records forthcoming of former governments of a nature to test the validity of money claims, and for the most part this was not the case as regards Guzerat. It was well, then, that the civil courts could interfere in that district, but, as no regularly organized system of formal adjudication had been devised in Guzerat and cases only came up for enquiry on demise of incumbents, comparatively few decisions under the Amended Rules of 1842 had been passed when the time arrived for a settlement summarily of all claims. It was in the year 1861 that Mr. Peile was appointed settlement officer in Guzerat and it was not long before he submitted to Government an able and elaborate report proposing rules for the disposal of the different kinds of allowances based on their nature and origin, and on the past proceedings of Government with respect to them. The rules, with modifications, were sanctioned by Government in its Resolution No. 4309 dated 27th November 1862, and became the authority for that general settlement of cash allowances which has been so well carried out by Mr. Peile's successor, Mr. Pestonjee Jehangeer, of late years.

73. The cash allowances in Guzerat differ very essentially from those in any other part of the Presidency. The most important of them had their origin in violence generated by the disorder of the previous rule. Villages bought off their plunderers who then often became their protectors, and thus a species of black-mail sprung up the payment of which continues to the present day. The *girasias* of Guzerat are quite a class by themselves and happily have their counterpart nowhere else. Whether the British Government was right when putting a stop to this direct and oppressive levy from villages to take upon itself the payment of the *giras hucks* is not the question now. It did so, and thus commenced the system of disbursing these allowances from government

treasuries. The origin of the *huk* is forgotten and the descendant of the *marauder* clamours for imperial recognition. Perhaps it was politic not to reduce to want a wild, turbulent, and improvident class of people unaccustomed to peaceful occupations. But if the peace of the country called for the policy adopted towards the first British recipients certainly faith has been kept with their descendants, for the *giras* payments have been declared continuable hereditarily. And so have the allowances known as *sulamee* and *khichree*. The *ghas dana* allowances had their origin in certain irregular exactions by the circuit army of the Gaekwar from the districts which he farmed from the Peishwa and should have ended with his connection with those districts, but having been recognized by the Government of the day in 1821 (though declared to be entirely inadmissible two years previously*) they are now paid to the Baroda Government

and regarded as a portion of the State revenue of the * Letter to the Resident at Baroda dated 27th May 1819.

Gaekwar. The *kothlee santh* allowances, the most numerous of Guzerat cash alienations, had their origin in the grant of compensation for land resumed, and were therefore settled on the principles of the summary settlement for land (Act VII of 1863) viz, a deduction of two annas in each rupee and the conversion of the remainder into private property. This compromise was optional, but there has not been a dissentient voice out of many thousand cases disposed of. The deduction of the two annas has been universally accepted as a purchase of relief from enquiry. The further redemption of these allowances at 20 years' valuation of the reduced amounts has found much favour with the recipients. There are several other descriptions of allowances in Guzerat unknown elsewhere which need not here be specified. Those in common with other parts of the Presidency are the *dewusthan* or temple, *dhurmadao* or charitable†, political pensions,

miscellaneous, and those granted as compensation for transit and town duties abolished under Acts I of 1838

† treated as personal.

and XIX of 1844. The *dewusthan* or temple allowances which had their origin; or were supposed to have had, in State grants are declared permanently continuable in all instances in which they are *bond fide*, that is, were found in existence and brought to the notice of Government at the introduction of British rule and have since been deliberately continued. The village idol allowances on the other hand were confirmed at a moiety where that compromise was preferred to formal adjudication of title, only in one instance was the compromise declined. In the same way the village personal allowances at the option of the holder were bought up at ten years'

valuation or continued for life‡. Those payable from

the hoozoor and talooka treasuries were similarly bought up or disposed of under the Amended Rules of 1842, a

liberal interpretation being placed on the evidence

available. This class of allowances was not large in Guzerat. When all grants of a permanent nature had been set apart and continued every terminable allowance which did not satisfy the Amended Rules, liberally interpreted, might it was considered be discontinued in strict conformity with the policy

‡ The village allowances whether religious or personal usually had their origin in grants by village officials from the village funds and had no pretension to authorized existence.

designed by Government from the first for the old provinces. The settlement in the new provinces, or rather in the

* The settlement of allowances in Khandesh by the then Collector, Colonel Robertson, in 1825-26 under Mr. Elphinstone's rules of 1818-19 had been confirmed by Government, and nothing more required to be done in that district.

Deccan* and Southern Mahratta country, resembled that for the old. In the case of personal allowances and temple allowances in which the poojaree or priest had a personal right, there was election between lump sum

payment equivalent to 10 years' purchase in final extinction or formal adjudication under the Amended Rules of 1842, and in the case of temple allowances in which no personal right existed there was election by committees or others officiating on the part of the community, between formal adjudication and the permanent continuance of a moiety. The demands for formal adjudication were very few in districts above the ghauts. Below the ghauts the demands were numerous. They have all been met by judicial investigation. One peculiarity in districts above the ghauts deserves notice. It accounts for so many recipients being willing to compound. Village *sadilwar* items, unknown in the Concan, abound in the Deccan and Southern Mahratta country.

They were essentially invalid, being irregular payments from the *sadilwar*† fund by village officers and devoid of the conditions of valid title. The Amended Rules of 1842, carefully framed after mature deliberation and sanctioned by the Supreme Government and the Court of Directors for the adjudication of cash allowances, took no cognizance of them. Those rules do not recognize the right to continuance based upon

prescription unless enjoyment can be proved by the entry of an allowance as disbursed in at least genuine (though it may be unaudited) accounts of the district officers, and such were never *sadilwar* items. The *sadilwar* fund was, in fact, entirely at the disposal of the village officers, who at their caprice assigned, stopped, increased, reduced, or transferred items. So that not only was there an absence of original title but the element of stability was altogether wanting. It was not surprising, therefore, that these fluctuating uncertain village items should have been excluded by imperial authority from any form of adjudication which might convert them into permanent or hereditary State charges—still, in the spirit of the Amended Rules village *sadilwar* items were admitted when receipt could be proved to be sufficiently continuous and uninterrupted, but such cases were exceptional and few.

74. The cash allowance settlement, then, it may be said, is also near to completion both in the old and new provinces.

† The aggregate extent of what remains to be done in each collectorate may be seen by reference to the abstract figured statement para. 83, col. 9, and the detail may be traced in the classified tables at the end, appendices A to Q inclusive, the Godra Punjab Mahal district, a recent cession by Scindia, remaining wholly for settlement.

Sunnuds have been issued in thousands but some remain to be issued. They bear the signature of His Excellency the Governor, or are executed by his order under the hand and seal of the Collector, on the part of the Secretary of State, and are granted for all

allowances continued permanently or hereditarily. They beget a feeling of security in the holders and free them from anxiety as to future scrutiny. In respect to sunnuds cash holders are placed on the same footing as holders of land.

75. A very important and responsible duty, however, remains, that of preparing accurate lists for the use of Collectors. This will take time. It has made very satisfactory progress in the Northern division under the superintendence of Mr. Pestonjee Jehangeer, and is being rapidly pushed forward in the Southern division. In this division revised surinjam lists are also in course of preparation.

76. It now only remains briefly to describe the *Poona Dufstur*, that remarkable repository which contains the archives or registries and accounts which used to be kept at the seat of the Peishwa's government. This is the pivot upon which the whole machinery of enquiry worked. Accounts of the revenue management of their respective charges used to be rendered by the district and village officers, and all public officers sent on deputation into the districts. Information on every source of revenue and expenditure was centred in the *Poona Dufstur*, the departments of which were admirably organized to ensure its efficient working. But for the attainment of a correct record of public and private rights, special returns of the state of the alienated revenues were required; and the alienation department in particular was preserved in a very complete state up to the reign of Bajee rao (A. D. 1796). A grant of the public revenue could only be got ready after it had gone through some important stages and styles of working in stated offices; and when its registry had been duly effected, the sunnud or deed of grant might be looked upon as a valid instrument. A good deal of technical knowledge is necessary to appreciate the force and value of certain documents and sets of accounts, and there were living till but lately one or two professional witnesses of the time of the Peishwa, who were among the class called *hereditary dufstur carcoons**. It was the genius of the celebrated Nana Furnavees which brought the *Poona Dufstur* into the state of efficiency which, during his administration (A. D. 1765—1796†), it is found to have acquired. Without employing the particular terms used in the *Dufstur*, and shewing how one branch of it bears upon and checks the other, it is impossible to convey any accurate notion of what this great repository consists. In addition to the authentic information to be obtained at Poona, masses of district and village revenue accounts have been collected by British officers throughout the country and located there, though separately. It had been generally supposed that these accounts had been destroyed in the burnings of palaces; in floods, whether of the Pindarees or of rivers; by white ants and vermin; instead of which, they have been found in a high state of preservation in the hands of the very parties handsomely paid by the State to frame and keep them, viz. the hereditary district and village officers, who had systematically concealed and withheld them from the government officers in all cases except when their

* The office of dufstur carcoon was hereditary and the son served his apprenticeship to it while his father was yet alive to teach him the mazes of the labyrinth, for none but persons long conversant with the documents could know in what direction they should turn when searching for particular information. It was the services of these persons that Mr. Elphinstone obtained and their honesty secured by high pay and reversionary pensions.

† Nana Furnavees also acted as regent in the name of the infant son of the murdered Naryan rao during the disturbed period (A. D. 1772) and for the 13 years of comparative tranquillity which followed.

own interests were at stake. A greater breach of trust it is difficult to imagine; for though the individual may have occasionally suffered, the public must have been made to suffer systematically by this withholding of the evidence of its rights*.

77. But to return to the *Poona Duflur* or repository of the State records of the Mahratta government. Mr. Elphinstone relates, that, from the accession of Bajee rao the regular receipts and deposit of accounts in the *Duftur* was not only much neglected but its establishment had almost entirely disappeared, and people were even permitted to carry away the records or do with them what they pleased. The *Duftur* was in consequence much mutilated and thrown into great confusion. After the occupation of Poona in November 1817 the records were found in different places in a state of disorder, but considering all circumstances tolerably complete for a period of 88 years; that is, from A. D. 1729 inclusive up to the breaking out of the war, with the exception of a blank of about 7 years, from A. D. 1757 to 1763 inclusive, of which most of the records were burnt when Poona was taken by the Moguls; for the 27 years preceding this blank the *Duftur* is moderately perfect, and for the succeeding 32 years up to A. D. 1796, the accession of Bajee rao, the records are nearly complete, particularly from A. D. 1774 when Nana Furnavees came into full power, but during the reign of Bajee rao, the last 21 years, they are by no means so.

78. After the introduction of the British Government Mr. Elphinstone endeavoured to re-organize the *Poona Duflur*. He states that he sent for the principal persons belonging to it from the places to which they had retired and employed them to collect the records. But after this first attempt at re-organization on the conquest of the country no further regular effort appears to have been made, though a great mass of genuine revenue accounts of the former government, hitherto concealed, was from time to time produced in support of individual claims, and in the numerous suits affecting alienated land tried in the civil courts. This was between 1826 the year of the abolition of the Deccan Commission, and 1843 the year in which the Inam Commission commenced experimental operations..

79. The operations of the infant Inam Commission in and immediately after 1843 were necessarily confined to alienations regarding which the requisite information was known to exist in the records secured by Mr. Elphinstone at the conquest of the country. These limited operations of the Commission were,

* It would appear that under this Presidency neither to the revenue nor to the magisterial authorities had power been expressly granted to cause a search to be made for concealed public records, nor was the concealment of such records punishable under any existing law. In the Madras Presidency a Collector is empowered, under sect 9 regulation IX of 1822, to search for public records on information being laid on oath; and under clause 2nd sect. 18 of the same regulation the concealment of public accounts is punishable in that Presidency by imprisonment for a period not less than one year, nor exceeding five years. A draft Act 'to provide for the recovery and protection of public accounts and documents relating to the public revenue within the Bombay Presidency' was prepared in 1856 but it never passed into law.

as already observed, so satisfactory that its extension was determined on, but it became clear that if the adjudication of the vast mass of alienations generally was to be proceeded with systematically not only ought the old accounts of revenue management to be forthcoming but also that they should be classified and arranged for use.

80. It was not, however, till after Act XI of 1852 became law, and the Inam Commission was placed on a regular judicial footing, that Government authorized* the Inam Commissioner, Mr. Hart, 'to take

'possession, with a view to their better
'arrangement and security, of the various
'old accounts required for the operations of the Inam Commission

* Letter No. 2001
dated 25th March 1852.

'from the officers and others in whose charge they now are.'

It was in a great measure due to the energy and tact of Captain Cowper, Mr. Hart's assistant, that these instructions of Government were successfully carried out.

81. In regard to classification and arrangement the great difficulty was to secure the identification of papers in such a manner that others could not be surreptitiously substituted; for, it will readily be understood that no catalogue, however complete, could effect this; seeing that, a paper containing, for instance, the estimate of the revenue of a particular district for a particular year might be abstracted, and another substituted with the heading or preliminary paragraph and the different totals to tally with those of the abstracted document, while the items might be altogether different.

82. The precaution taken was to stamp each paper with a combination of letters and numbers, changed each day of stamping and known only to the European assistant in charge, the particulars of which were recorded in a register, which, together with the letters and numbers, was always kept under lock and key.

83. It may be as well before proceeding to exhibit the results of the operations of the Inam Department in classified tables by collectorates† to annex an abstract figured statement † 17 appendices A to Q inclusive shewing the aggregate results at a glance. The following figured statement will have this effect, and by comparing it with the corresponding statement of the operations of the Madras Inam Commission it will be seen how infinitely smaller both in number and value were the alienations in that Presidency than in the Presidency of Bombay.

A BSTRACT figured statement shewing at a glance the aggregate results of the operations of the Inam Department.

COLLECTORATES.	LAND ALIENATIONS.				CASH ALIENATIONS.				REMARKS.	
	Total Value on the Government books at the commencement of alienation operations.		RESULT OF OPERATIONS.		Total Value on the Government books at the commencement of alienation operations.		RESULT OF OPERATIONS.			
	Recovered.	Confirmed.	Recovered.	Confirmed.	Recovered.	Confirmed.	Recovered.	Confirmed.		
1	2	3	4	5	6	7	8	9	10	
A Dharwar.....	rupees 6,56,639	3,17,740	rupees 3,67,919	"	rupees 1,63,849	rupees 11,809	rupees 1,54,040	"		
B Belgaum.....	13,93,794	8,93,556	5,05,206	"	1,59,537	53,186	1,06,351	"		
C Koladgi.....	<i>vide col. 2 Appendix C</i>		3,47,951	"	<i>vide col. 6 Appendix C</i>		4,295	1,03,592	"	
D Sholapur.....	3,29,886	2,30,745	98,648	"	1,46,104	29,307	1,16,697	"		
E Satara.....	11,47,692	3,30,486	8,16,631	575	4,72,106	2,48,806	2,23,300	"		
F Poona.....	4,35,027	2,49,127	2,40,739	101	4,05,200	1,92,851	2,12,142	"	207	
G Ahmednagar.....	12,33,605	9,63,930	2,59,930	"	3,30,875	1,88,649	2,02,326	"		
H Ratnagiri.....	81,460	4,159	67,197	10,104	83,217	23,200	41,828	18,180		
I Colaba.....	50,593	9,067	47,782	2,744	66,519	30,739	33,163	2,577		
J Tanna.....	1,39,172	5,929	1,36,134	7,110	1,16,150	22,180	88,373	6,597		
K Nasik.....	<i>vide col. 2 Appendix C</i>		26,237	2,17,320	6,295	<i>vide col. 6 Appendix C</i>		10,541	4,062	
L Khandesh.....	6,17,609	2,56,030	3,20,632	4,616	3,29,665	52,109	2,67,316	10,140		
M Surat.....	4,84,664	91,563	3,64,042	9,059	4,13,198	2,41,078	1,67,080	5,038		
N Broach.....	6,7,438	1,38,273	5,32,050	1,125	1,36,887	63,564	68,800	4,523		
O Kutch.....	8,17,023	35,686	7,76,951	2,387	2,86,569	1,14,416	1,72,087	66		
P Ahmedabad.....	7,13,686	2,46,303	4,63,861	3,322	1,41,041	24,981	1,13,210	2,850		
Q Godra Punch Mahul	"	"	"	"	"	"	"	"		
<i>Total . . .</i>	<i>87,75,319</i>	<i>37,48,220</i>	<i>55,85,991</i>	<i>43,763</i>	<i>33,12,715</i>	<i>13,11,651</i>	<i>22,25,886</i>	<i>53,249</i>		
Deficit revenue included in the collectorates of Dharwar, Belgaum, Sholapur, Satara, Khandesh, and Ahmednagar out of which the collectorates of Khandesh and Nasik have recently been formed.										
<i>Balancé.....</i>	<i>87,75,319</i>	<i>37,17,121</i>	<i>50,20,710</i>	<i>37,498</i>	<i>33,12,715</i>	<i>12,96,815</i>	<i>19,66,713</i>	<i>49,187</i>		
		<i>£571,712 sterling</i>	<i>£502,071 sterling</i>	<i>£3,748 sterling</i>	<i>£31,271 sterling</i>	<i>£129,681 sterling</i>	<i>£196,671 sterling</i>	<i>£4,918 sterling</i>		

No. 1. A lump sum of arrears both of land and cash amounting to rupees 23,28,191 (equivalent £232,319 sterling) standing to the debit of Government payable to claimants or not according to result of enquiry has been finally credited to the State up to 31st March 1873.

1.I.—A lump sum of arrears amounting to rupees 9,06,686 (equivalent £96,686 sterling) calculated up to 31st March 1873 due by the Greek war on account of Mantri 1072 years increasing annually till settlement by t.c. sum of rupees 43,935 (equivalent £4,395 sterling) is under consideration. Pending adjustment of this long outstanding claim the British Government has stopped the payment of *ghees dana* so that there will be a set off to the extent of rupees 1,31,618 (equivalent £13,618 sterling).

Memorandum: The collector has declined to pay this *ghees dana* but since the lapse of Mantri in 1851 on the ground that the *Mantri Chieftain*, does not require to be brought off from plundering; (See para 78 page 48), while on the other hand he forgets that if the origin of the *ghees dana* is open to question, so is the *ghees dana* (para 78 page 44) which he is willing enough to receive. But the element of *prescription* in both cases has to be considered.

84. From the foregoing statement it will be seen (col. 3) that, in respect to *land*, an annual sum of *rupees* 37,17,121 (equivalent £ 371,712 *sterling*) has been permanently added to the revenues of the State, and that for some years past. The value of the numerous *terminable Inams* is not shewn because the *terminable Inam Settlement* (described in para. 59) has converted almost all such holdings into permanent freehold, that portion of the assessment of each which is assigned to the alienee being included in col. 4 and the government share in col. 3. The total value of confirmations to *land* alienees is shewn in col. 4 and amounts to *rupees* 50,20,710 (equivalent £ 502,071 *sterling*). In respect to *cash*, the annual outgoing sum of *rupees* 12,96,815 (equivalent £ 129,681 *sterling*) has been recovered (col. 7) for the public, though a small portion of it will not fall in till the deaths of present recipients. The total value of confirmations to recipients of *cash* is shewn in col. 8 and amounts to *rupees* 19,66,713 (equivalent £ 196,671 *sterling*).

85. On the subject of '*arrears*' both of *land* and *cash*,* that is sums standing to the debit of Government, * See Note J para. 83 page 4. payable to claimants or not according to result of enquiry, being the amount of revenue in deposit pending enquiry which would but for the enquiry be paid, it is to be remarked that a lump sum of *rupees* 23,28,191 (equivalent £ 232,819 *sterling*) has already been permanently credited to the State. This sum alone nearly covers the total expense of alienation operations from the beginning, which, inclusive of all extraordinary and incidental charges, amounts up to 31st March 1873 to a lump sum of *rupees* 24,10,813 (equivalent £ 241,081 *sterling*). The British claim against the Gaekwar, as stated in Note II para. 83, on account of *tora giras* also forms another large sum of *arrears*, which, though of a different nature and still under consideration, becomes an important item in estimating financial results. Briefly, then, it may be said that, of nearly a million and a quartor *sterling* of alienated revenue (columns 2 and 6), the Inam department has, without expense to the State (the expense being well covered by the *arrears*), improved the finances of the public permanently by half a million *sterling* (columns 3 and 7), while it has confirmed to alienees nearly three quarters of a million (columns 4 and 8).

86. A lump sum of *rupees* 7,63,319 (equivalent £ 76,331 *sterling*) has been well spent in buying up allowances entered in col. 7.

87. No power has yet been given to Inamdar to redeem their quit rent, or jooree, by single lump sum payment, and if given it is not likely that redemption will be taken advantage of to any extent, for they are intelligent enough to know that an investment which will only yield 5 per cent will not be the most profitable mode of employing their capital. The only motive probably for buying up the quit rent would be to prevent the interference of the revenue officer.

88. No legal enactment has been passed on the Bombay side, corresponding to Madras Acts IV of 1862 and IV of 1866, for

placing enfranchised Inam property under the jurisdiction of the courts, and none I think is required. I believe that, as a matter of course, in the absence of special legislation regarding jurisdiction over enfranchised Inam property, it must be considered as coming within the cognizance of the civil courts under Act VIII of 1859, and therefore that nothing in the way of legislation is necessary. It is thus, already, assimilated in every respect with other descriptions of real property.

89. The completion of the several settlements above described of land and cash claims throughout the Presidency has conferred a mutual advantage upon Government and the holders. The vast amount of the charges on account of alienations with which the revenues of this Presidency were burthened was, as already observed, incredible. The various settlements have not only brought about content and security but the revenue administration of the country has been wonderfully simplified. Questions of great importance involving long disputed rights so technical and intricate as almost to defy settlement have been taken up, discussed, and brought to a final decision under the sanction of Government. Gain to the State was not the sole object in view. The Inam question was one of State policy. A problem, in fact, fraught with important and political consequences which it was necessary so to deal with that while the just claims of the public might be peacefully vindicated the prescriptive right of individuals in a vast mass of valuable property should be scrupulously upheld. The solution of this difficult question was indeed a source of great perplexity to every successive government from the time of Mountstuart Elphinstone. For many years even eminent men approached the subject with extreme caution. It was not surprising, therefore, that a long time should elapse before the authorities acquired sufficient confidence to devise a final method of settlement. This has now been done. The just claims of the public have been satisfied and individual rights respected.

90. On the subject of the future of the Inam or rather as it is now termed the Alienation department and the continuance of the *Poona Dufstur* or State Record office of the Mahratta government, a few words may be said in conclusion. The necessity for a *permanent alienation department*, if only for the working of the *Poona Dufstur*, has been admitted on several occasions. The *Poona Dufstur* is, indeed, the only source from which information can be obtained regarding the *status* of chiefs and other high personages under the former rule whose position has not been defined by treaty or otherwise since the British accession, and on many kindred subjects. Historical memoranda of persons and States are often required. Two notable instances of late may be cited in the case of the raja of Jowar in the Northern Concan and in that of the Abyssinian chief of Junjeera on the coast. Government was at a loss to fix the position of these chiefs under British rule till the *Poona Dufstur* threw the requisite light upon their condition under the Peishwa's rule, shewing that the former was not independent as he was thought to be and that the latter was independent as he was thought

not to be. The Government of Bombay has, moreover, recently stated, that,
 'the duties the alienation officer in charge of the
 'Poona Duflur is called on to perform are not of an ordinary
 'nature, that claims often arise the settlement of which requires
 'considerable research and judgment, and appeals are still
 'frequently received by Government against former decisions,
 'that these cases are always referred to Colonel Etheridge whose
 'duty it is to advise Government as to the manner in which they
 'should be disposed of, that, usually, they involve heavy
 'demands in perpetuity on the public revenues and not
 'unfrequently affect our political relations with Native States.'

While, Lord Cranborne had formerly remarked, that, the 'reviewing of
 'appeals against former decisions for the due disposal of which
 'a full knowledge of past proceedings, as well as a technical
 'acquaintance with the principles on which the alienation department
 'had been conducted, was required in the officer at its head.'

More recently His Grace the Duke of Argyll in his despatch on this subject to
 the address of the Government of Bombay dated 24th September 1870 observed,
 that, 'for the reasons assigned in your Resolution of the 10th June 1870* I am
 'disposed to agree in the opinion of
 'your Excellency in Council that it
 'would be hazardous to dispense
 'altogether with the services of a
 'special department charged with the
 'supervision of all alienations from the
 'revenues of the State and the custody
 'of the records of the former
 'Government.'

* Looking to the vast amount of the charges on account of alienations with which the revenues of this presidency are burthened, His Excellency in Council is satisfied that it would be a dangerous experiment to attempt to do away with the services of the special department entrusted with the supervision of these charges and which has effected such large savings to the State. The necessity, too, for the maintenance of an office from which information relating to the administration of the country under the former Government can be obtained, has more than once been admitted.

91 Lastly, before taking leave of the subject, I would beg permission to say a few words respecting the strictures which a high authority has passed on the Inam Commission. At page 175 vol. I of the Sepoy War, Sir John Kaye remarks that, 'before passing away from the subject of resumption, something should be said about the operations of that great confiscatory tribunal known as the Inam Commission of Bombay'—and, after a few preliminary observations, continues at page 176. 'Years passed, various regulations were framed, for the most part of restricted operation; and still, after the country had been for more than a third of a century under British rule, the great question of alienated revenue had only been partially adjusted. So, in 1852 an Act was passed, which empowered a little body of English officers, principally of the military profession—men; it was truly said, 'not well versed in the principles of law and wholly unpractised in the conduct of judicial enquiries'—to exercise arbitrary jurisdiction over thousands of estates, many of them

' held by men of high family, proud of their lineage, proud of
 ' their ancestral privileges, who had won what they held by the
 ' sword, and had no thought by any other means of maintaining
 ' possession. In the Southern Mahratta country there were large
 ' numbers of these jagheerdars, who had never troubled
 ' themselves about title deeds, who knew nothing about rules of
 ' evidence, and who had believed that long years of possession
 ' were more cogent than any intricacies of law. If they had
 ' ever held written proofs of the validity of their tenures, they
 ' had seldom been so provident as to preserve them. But,
 ' perhaps they had never had better proof than the memory of a
 ' fierce contest, in the great *gurdee-ka-wukht* or time of trouble,
 ' which had preluded the dissolution of the Mahratta power in
 ' Western India, and placed the white man on the throne of the

* See the admirably written memorial of G. B. Seton-Karr:—
 ' Chiefs who had won their estates by the sword had not
 ' been careful to fence them in with a paper barrier which
 ' they felt the next successful adventurer would sweep
 ' away as unceremoniously as themselves. Instead of
 ' parchments, they transmitted arms and retainers, with
 ' whose aid they had learnt to consider mere titles
 ' superfluous, as without it they were contemptible. In
 ' other instances, men of local influence and energetic
 ' character having grasped at the lands which lay within
 ' their reach in the general scramble which preceded the
 ' downfall of the Peishwa's Government, had transmitted
 ' their acquisitions to their children fortified by no better
 ' titles than entries in the village account books, which
 ' a closer examination showed to be recent or spurious.
 ' Roused from the dreams of thirty years, these proprietors
 ' of precarious title, or of no title at all, found themselves
 ' suddenly brought face to face with an apparatus which at
 ' successive strokes peeled away their possessions with the
 ' harsh precision of a planing machine.'

' Peishwa*. Year
 ' after year
 ' had passed,
 ' one genera-
 ' tion had fol-
 ' lowed another
 ' in undisturb-
 ' ed possession,
 ' and the great
 ' seal of time
 ' stood them in

' stead of the elaborate technicalities of the conveyancer. But
 ' the Inam Commission was established. The fame of it went
 ' abroad throughout the Southern Mahratta country. From one
 ' village to another passed the appalling news that the

' Commissioner had appeared†, had called for titles that
 ' could not be produced, and that nothing but a general
 ' confiscation of property was likely to result from the
 ' operations of this mysterious tribunal. Each day,

' it has been said, produced its list of victims ;
 ' and the good fortune of those who escaped
 ' but added to the pangs of the crowd who
 ' came forth from the shearing house, shorn to the
 ' skin, unable to work, ashamed to beg, condemned to
 ' penury. The titles of no less than
 Memorial of G. B. Seton-Karr. ' 35000 estates, great and small, were
 ' called for by the Commission, and during the first
 ' 5 years (1852—7) of its operations three fifths of them
 ' were confiscated.'

[†] Compare these remarkable assertions with the evidence contained in appendix T, and evidence of Sir Charles Jackson para. 93—also, mark results for 14 years ending with 1857, commencement para. 92.

92. The above concluding sentence is a climax to those wild denunciations against the poor sinning Inam Commission! *Twenty one thousand estates*

confiscated in 5 years !! BUT WHAT ARE THE FACTS ? Up to 1857 the Inam Commission had been at work 14 years, that is, from 1843. During this period decisions had been passed upon 8599 estates in all, of which the following is the detail.

I.	Estates continued free of assessment <i>permanently</i>	2606
II.	Estates continued free of assessment <i>hereditarily</i>	1303
III.	Estates continued free of assessment <i>for two or more lives</i>	193
IV.	Estates continued free of assessment <i>during life</i>	3551
V.	Estates to be <i>assessed at once</i>	941

In justice to Mr. Seton-Karr, however, it must here be said that Sir John Kaye has misunderstood him. Mr. Seton-Karr does not say, as apparently Sir John Kaye would have him say, that three fifths of the 35000 estates had been confiscated, but that three fifths of the *decisions* passed out of that number had been '*sentence of confiscation*.' Now, three fifths of 8599 would be 5159, but this number considerably exceeds the mark even if classes III, IV and V above are referred to. But these are the operations of 14 years not of 5. And is not the term *confiscation* somewhat misapplied where the levy of assessment only is meant? Whatever may have been the failings in the Inam enquiry I think it must be allowed that the picture drawn of it by Sir John Kaye is erroneous. The above description is apparently based upon certain statements made in a memorial submitted to the Secretary of State by Mr. G. B. Seton-Karr of the Bombay Civil Service on the subject of his services in the Southern Mahratta country during the troublous times of 1857-8. Mr. Seton-Karr had only recently arrived in those parts and could not be expected to know much of the constitution or working of the Inam Commission. Had these statements gone forth to the world under any less authority than that of the historian of the Sepoy War it would be unnecessary to notice them, but forming as they do a prominent part of that history and being put forth as one of the reasons for the excited state of the Southern Mahratta country in 1857-8 it seems but just that some explanation should be forthcoming even at this late date. I purpose, then, in bringing this narrative to a close to make a few remarks on the several points referred to. I may premise that I was an eye witness to all that occurred, that I was employed throughout the period either in a civil or political capacity* and was in the Southern Mahratta country several years before Mr. Seton-Karr's arrival and long after his departure. And, first, the year 1852 was merely the year in which the Inam enquiry was legalized, not that of its commencement of operations which dating from 1843 would make but 25 years of British rule. But, so far from the tentative measure of 1843 legalized in 1852 being any thing new and startling it was merely a continuation of the proceedings instituted by Mr. Elphinstone shortly after the introduction of the British Government. It was Mr. Elphinstone who excluded the alienated revenue of the new provinces from the jurisdiction of the law courts and it was Mr. Elphinstone who framed a code of rules for the settlement of Inam titles. The Inam Commission rules were merely an embodiment, amended and enlarged

* Latterly Commissioner under Act XIV

as experience from time to time suggested, of the rules originally promulgated by Mr. Elphinstone, who enjoined all Collectors and Political agents to proclaim to holders of Inams '*that an enquiry into the validity of their titles would be made hereafter!*'*

* In a letter dated 10th August 1824 the Deccan Commissioner detailed his reasons for doubting the validity of tenure of numerous holdings in the Southern Mahratta country and forwarded a list of them to the Principal Collector at Dharwar for enquiry. The enquiry, however, was but desultory till 1843 when Mr. Goldsmith took it up in earnest.

The exclusion and the mode of settlement, then, was nothing new. It had been so from the beginning, and the Inam enquiry being continuous though desultory was incapable in that respect of creating, as it did not create†, any excitement whatever. Ever since Mr. Elphinstone's proclamation that a *future* enquiry into the validity of titles would be made the Inamdar

had been expecting enquiry and were prepared for it. It was perfectly well known to every revenue and district officer in the Southern Mahratta country that the prospect of the levy after the deaths of incumbents of the revised rates of assessment on the many fictitious Inams, rightly described by Mr. Seton-Karr as held by men of '*no title at all*' produced little discontent even among themselves, and the reverse of course among the masses *who were delighted to see* these spurious holders of rent-free lands compelled at last to contribute something towards the revenue. It was also perfectly well known in the locality which holdings were of this stamp, and these pretended Inamdar so far from thinking themselves hardly dealt with by the new law were agreeably surprised to learn that the term *resumption* meant simply the levy of assessment after their deaths. They did not expect any such moderation as that the land would not be assessed at once. They were astonished when told that they themselves during life would not be required to pay rent, and more so to find that no interference with the son's occupancy after the father's death was allowed by the Act. It is certain that the Inam Commission proceedings had

nothing to do with the partial and far apart risings in this Presidency in 1857-8‡. The content which the operations described in paras. 5 and 6 of this narrative

produced far outweighed the discontent arising from the prospective levy of assessment upon holdings which every one in the locality knew had no pretensions to exemption. But, it is said, that, 'in the Southern Mahratta country there were large numbers of jagheerdars, men of high family, proud of their lineage, proud of their ancestral privileges, who had never troubled themselves about title deeds &c.' and it is left to be inferred that the Inam Commission despoiled these. It is not so. With very few exceptions the jagheerdars in the Southern Mahratta country were guaranteed by treaty and were exempt from interference, not only in respect to their jagheer lands but in respect also to those of their private and personal holdings within government territory. So keenly sensitive was Government on the point of interfering with these jagheerdars or in any way of wounding their susceptibilities that it went the

† See conclusion para. 93 for evidence of Sir Charles Jackson; also, result of 14 years' operations commencement para. 92, and Appendix T.

‡ See conclusion para. 93 for evidence of Sir Charles Jackson; also, result of 14 years' operations commencement para. 92, and Appendix T.

length of exempting from the scope of the Inam enquiry those of *its own alienees* whose Inams happened to be topographically within the jagheer border though held direct from Government; Inams, indeed, expressly reserved by the Paramount Power at the date of the grant of the jagheer*. The jagheerdars, in fact, came under no law but the law of the treaty. They could not be, as they were not, interfered with. Some few of these chiefs were not protected by treaty; These also were exempt from interference, except by special report at the instance of Government. When such report was made it underwent

* And so it happens that these alienees, by reason of this topographical chance, have been deprived of the benefits of those settlements which confer a freehold in the soil and prevent lapse; but, inasmuch as these holdings are of more ancient date than the chief's estate within the territorial limits of which they happen to be, and were specially reserved by the Paramount Power at the date of the chief's assignment of territory, it is a question whether these alienees, being government alienees, are not equally entitled to participate in those benefits with the alienees in government territory. The matter is under consideration.

the keenest scrutiny by every intermediate authority ending with the Home Government before action was taken. From what the memorial states or rather leaves to be inferred, it might be supposed that these unprotected chiefs had been despoiled by the Inam Commission. Not so. They were confirmed in their estates through the agency of this department though having no other title than that which political considerations suggested. Such were the chiefs of Héré, Gudjendragud, and Savanoor. It was otherwise, certainly, with an inferior class of chiefs in the Deccan, known as surinjamdars, but Mr. Seton-Karr was describing the Southern Mahratta country, and even in the Deccan nothing could be fairer than the mode of procedure adopted†. It was simply

the carrying out of Mr. Elphinstone's intentions. † See paras. 70-71 ante.

The Southern Mahratta jagheerdars, then, were not despoiled by the Inam Commission. Reference is made to the case of the chief of Nipaneec, but the fact is that the fact which the last of the *Sur Lushkurs* held upon feudal tenure lapsed in 1839 on the death *without issue* of Sidojee rao.

This was an imperial matter and had no concern with the Inam Commission. It was even before its time‡. It is true that the Jambotee Desaee's service tenure was curtailed but then the Peishwa's records disclosed

‡ The Inam Commission subsequently dealt with some Inams held by the family which from defect in title could only remain unassessed during the life time of Sidojee rao's successor who by adoption became the titular head of the family, but all the inherently continuallable *rights* held as *Dreace* were confirmed to the family.

reasons why it should not be left on its then extensive footing. The statement that he 'had been reduced to penury' is however exaggerated. The Secretary of State reviewed the case and considered it unnecessary to interfere with the Honble Court's decision, which was accordingly allowed to stand, in confirmation of the local government proceedings. These are the only instances specified though the inference from the text includes the whole body of chiefs or jagheerdars. As a matter of fact, the class of holders who, for the most part, came under the Inam enquiry are described and correctly described by Mr. Seton-Karr himself, who, also, at the same time, furnishes the justification. He says, 'men of local influence and energetic character

' having grasped at the lands which lay within their reach, in the
' general scramble which preceded the downfal of the Peishwa's
' government, had transmitted their acquisitions to their children
' fortified by no better titles than entries in the village accounts,
' which a closer examination showed to be recent or spurious—
' proprietors of precarious title or of no title at all.'

This was the class principally with which the Inam Commission had to do. It has been stated above what the treatment was (*the levy of assessment prospectively with no interference of occupancy**) in the

* Excepting in the rare instances specified in para. 8 event of bad title, and nothing more need be said on that head; but it is stated that the Inam Commission

was invested with arbitrary jurisdiction and it is clearly intended to be understood that this jurisdiction was entrusted to inefficient hands. Appeal did not lay with the law courts it is true. This was the special arrangement at first and legislation after of Mr. Elphinstone, but the appellate tribunals were numerous and led up to the local and Home Governments. It was impossible that injustice could be done. The proceedings of the lower courts underwent the severest scrutiny on those occasions, and it may not be supposed that Inams could be '*confiscated*' if, 'year after

'year had passed, one generation had followed another in undisturbed possession, and the great seal of time stood the holders instead of the elaborate technicalities of the conveyancer.'

Or, that '*confiscation*' could follow if the Inam Commission 'called for titles that could not be produced.' I may reply to this, that, the 'great seal of time' when really imprinted upon a holding invariably secured for it confirmation of title, and that because the *onus probandi* made it incumbent on Government to recognize to its fullest extent the great fact of possession.

Provision 2nd rules 3 and 4 for PERSONAL holdings page 26.
Provision 5th rule 7 for RELIGIOUS holdings page 27.
Provision 4th rule 8 for OFFICIAL holdings page 28.
described at pages 31 and 32.

The whole tenor of the Inam law was to admit prescriptive right when there was no evidence forthcoming to disprove a claimant's assertion that his holding was such as he represented it to be.

The non-production of titles, then, neither did nor could in any way tell against a claimant. I have confirmed many titles upon the mere fact of possession, a great proportion of which were no doubt spurious. 'Each day,' so proceeds the memorial, 'produced its

'list of victims—a crowd who came forth from the shearing house shorn to the skin, unable to work, ashamed to beg, condemned to penury.'

Such language cannot be justified, nor can it be explained. How could a holder be *shorn to the skin* when he himself, however bad his title, was left untouched, and his son, on succeeding to the occupancy which the law

guaranteed to him after his father's death†, was merely

† Excepting in the rare instances specified in para. 8 required to pay the revised assessment (perhaps only partially) which represented but a portion of the yield of the land? It might, indeed, be said on the contrary that the *shears* were applied so lightly as scarce to vindicate the rights of the public. Certainly, if anything less than laying on the revised rates of assessment, often only in part, after the deaths of incumbents had been done, Government in its capacity of guardian and trustee of the public revenue might have been charged with allowing the burdens of the State to be unequally borne by its subjects, for, as is now well known, very few Inam-dars had any right to exemption from the payment of rent. In a few words, then, it may be said that the elements of excitement much less of rebellion were not to be traced as they did not exist in the Inam Commission operations. How should it be so? The masses of the

people were disinterested spectators *except insofar as they rejoiced to see* these spurious holders of rent free lands compelled at last to contribute something towards the revenue as they themselves had always done. The small minority had neither right nor influence on its side. The higher class of chiefs, the jagheerdars, both in the Deccan and Southern Mahratta country, were not interfered with, being guaranteed by treaty. The smaller class of chiefs, the surinjamdars of the Deccan, were being most liberally dealt with. And so, as Sir Charles Jackson truly remarks*, the Inam

* Conclusion para. 93

Commission had nothing 'to do with the subsequent

'outbreak in a part of the Southern Mahratta country, and
'there was no rebellion in the other districts in which Act XI
'of 1852 was put in force, notwithstanding the excitement
'occasioned by a mutiny at Kolapure and intrigues at Sattara.'

It only remains to say a few words on the subject of the Inam Commissioners and their assistants who, it is stated, were 'not well versed in the principles of law and wholly unpractised in the conduct of judicial enquiry.'

Appendix S gives the names of these gentlemen, and it may be added, that, as Government had pledged itself that 'none but men of approved talent, judgment and

'experience should be chosen as assistants in the Inam Commission,' so, special selections from the services were at all times made to fill its ranks. No one will deny the peculiar fitness of the civil element. Members of the Civil Service specially selected for possessing every necessary qualification, and as regards the military portion Government acted with great care and prudence. No military officer was appointed even to act whose antecedents were not of a nature to ensure success, and confirmation only followed a long probation. Most of the military nominees had already served a good apprenticeship under well known public officers and political chiefs, and many despatches from the Home Government testify that the selections made were right selections. More than this need not be said. For the rest, the records of Government are at hand.

93. Government may consider it wrong that I should introduce Mr. Seton-Karr's private opinions into this narrative. I must apologise for so doing. My excuse is that they gather weight from being adopted by so eminent an authority as Sir John Kaye. That the historian of the Sepoy War was, however, misled by this memorial we have the evidence of Sir Charles Jackson, who, in his '*Vindication of the Marquis of Dalhousie's Indian administration*' remarks upon this point. Since writing this narrative I have stumbled upon this little work, and as it to a great extent corroborates what I have said I venture to transcribe the following passage as containing the independent opinion of a high law authority. Sir Charles Jackson writes, 'although I agree

'with Mr. Kaye in much that he has said of resumption measures
'I think, that, misled by Mr. Seton-Karr's memorial, he has
'given an exaggerated account of the working of this Act.
'Mr. Seton-Karr is quoted as saying: 'Each day produced its
'list of victims, and the good fortune of those who escaped

‘ but added to the pangs of the crowd, who came forth from
 ‘ the shearing house, shorn to the skin, unable to
 ‘ work, ashamed to beg, condemned to penury &c.’
 ‘ Now, most readers would suppose from these statements that
 ‘ these Inamdar were immediately turned out of their houses
 ‘ and lands and reduced to penury. But, in fact, there was no
 ‘ ousting from possession, the object of these investigations being
 ‘ a resumption of the right to the land revenue, and not a
 ‘ resumption of the land itself. The title which was set aside was
 ‘ not the title to land, but the title to hold it free from the
 ‘ payment of revenue. It is true, that, in the case of a pretended
 ‘ village Inamdar, that is, the holder of a whole estate let out to
 ‘ subholders, resumption became the same as dispossession,
 ‘ because its consequence was, that the actual holder of each
 ‘ field came to pay the assessment of his land direct to
 ‘ Government, nothing being then paid to the quasi Inamdar.
 ‘ But then, in all these cases, the Act of 1852 permitted,
 ‘ and the Commissioners always allowed, unless it was a case of
 ‘ gross fraud, the person claiming as Inamdar, whose title was
 ‘ disproved, to retain the privileges of Inamdar during his life.
 ‘ In this respect, this much abused Act of 1852 was more lenient
 ‘ in its provisions than the kindred enactments of the Bengal
 ‘ Presidency. The Inam Commissioners were, in another respect,
 ‘ much more lenient than other resumption authorities. Previous
 ‘ to the institution of that Commission it was the universal
 ‘ custom, in all investigations of the titles of alleged Inams, to
 ‘ throw the burden of proving his title upon the land owner.
 ‘ But in 1843 it was settled by the Inam Commission that the
 ‘ *onus probandi* was on Government, and this principle was not
 ‘ departed from by Act XI of 1852, which recognizes titles with
 ‘ no other foundation than long exemption from payment
 ‘ of revenue. I shall not dwell further on this resumption
 ‘ measure, for it must be clear to every unprejudiced mind that
 ‘ the oppressive nature of the Act has been greatly exaggerated.
 ‘ It had nothing to do with the subsequent outbreak in a part
 ‘ of the Southern Mahratta country, and there was no rebellion
 ‘ in the other districts in which Act XI of 1852 was put in force,
 ‘ notwithstanding the excitement occasioned by a mutiny at
 ‘ Kolapore and intrigues at Satara.’

94. In concluding this narrative I beg to apologise for the wearisome length to which it may appear I have drawn it out.

I have the honor to be
 Sir
 Your most obedient servant

ALFRED THOMAS ETHERIDGE Colonel



APPENDIX A

CLASSIFIED table showing the value and present condition after settlement by the Inam Department of all tenures of land and cash alienations existing in the collectorate of Dharwar.

The columns are numbered so as to correspond with abstract statement para. 83

CLASS OF TENURE.	LAND ALIENATIONS.				CASH ALIENATIONS.				REMARKS.	
	Villages.	Umlas.	Lands.	RESULT OF OPERATIONS.		RESULT OF OPERATIONS.		Recovered.	Confirmed.	
				Recovered.	Confirmed.	Total value on the government books at the commencement of alienation operations.	Recovered.	Confirmed.		
I. Political				rupees 2,968	rupees ,	rupees 18,188	rupees ,	rupees ,	rupees ,	
II. Personal	581	1,11,484	16,334	" 581	" 1,11,484	" 16,334	" 7,392	" ,	" ,	
III. Dewarshan				rupees 50,095	rupees ,	rupees ,	rupees ,	rupees ,	rupees ,	
IV. Wuttun	" ,	" ,		" ,	" ,	rupees 45,849	rupees ,	rupees ,	rupees ,	
V. Talooka wuttundars whose services have been retained.....				" ,	" ,	" ,	" ,	" ,	" ,	
VI. Village servants.....	" ,	" ,		" ,	" ,	" ,	" ,	" ,	" ,	
	3,14,191	3,549	2,87,548	80,371	" ,		4,417	7,392	1,35,073	
									18,967	
									" ,	

Note.—Accounts omitted because not complete in this collectorate.

APPENDIX C

CLASSIFIED table shewing the value and present condition after settlement by the Imam Department of all tenures of land and cash alienations existing in the collectorate of Kuludgi.

The columns are numbered so as to correspond with abstract statement para. 83

CLASS OF TENURE.	LAND ALIENATIONS.					CASH ALIENATIONS.				
	Total value on the government books at the commencement of alienation operations.		RESULT OF OPERATIONS.		Total value on the government books at the commencement of alienation operations.	RESULT OF OPERATIONS.		CASH ALIENATIONS.		REMARKS.
	Recovered.	Confirmed.	Recovered.	Confirmed.		Recovered.	Confirmed.	Recovered.	Confirmed.	
I. Political.....	rupees	rupees	rupees	rupees	rupees	rupees	rupees	rupees	rupees	rupees
II. Personal.....	13	4,862	75,073	19,476	13	360	360	2,104	2,104	13
III. Dowusthan.....	13	16,237	"	"	13	3,935	3,935	2,310	4,356	13
IV. Wuttun.....	13	13	13	91,805	13	"	"	4,956	"	13
V. Falooka wuttundars whose services have been retained.....	13	"	"	"	13	"	"	10,942	"	13
VI. Village servants.....	13	"	1,20,819	"	13	"	"	78,914	"	13
	13	4,862	2,12,129	1,35,822	13	"	4,295	86,180	17,412	13

Note.—Acreage omitted because not complete in this collectorate.

APPENDIX D

CLASSIFIED table showing the value and present condition after settlement by the Inam Department of all tenures of land and cash alienations existing in the collectorate of Sholapoor.

The columns are numbered so as to correspond with abstract statement para. 83

CLASS OF TENURE.	LAND ALIENATIONS.					CASH ALIENATIONS.				
	RESULT OF OPERATIONS.		Total value on the government books at the commencement of alienation operations.	Recovered.	Confirmed.	RESULT OF OPERATIONS.		Total value on the government books at the commencement of alienation operations.	Recovered.	Confirmed.
	With lapse, after one or more settlements.	Without lapse, before settlements.				With lapse, after one or more settlements.	Without lapse, before settlements.			
Class of holdings.	Villages.	Umlis.	Land.			Permanently.	Heredity.	Permanently.	Heredity.	
1	2	3	4	5	6	7	8	9	10	
I. Political.....			ruppies 13,410	ruppies 2,213	,,	ruppies 363	ruppies 33	ruppies 15,557	ruppies 15,557	,,
II. Personal.....			3,382	47,885	539	321	,,	3,738	282	,,
III. Dewasthan.....			,,	4,662	,,	71	,,	10,138	,,	,,
IV. Wittan.....			,,	,,	20,331	,,	,,	,,	17,450	,,
V. Talooka wittundar whose services have been retained....			,,	,,	,,	101	,,	,,	,,	,,
VI. Village servants....			,,	23,018	,,	,,	,,	69,532	,,	,,
			2,13,953	75,565	23,063	493	27,084	2,223	83,408	33,269
			2,13,953	16,782						,,

Note.—Acreage omitted because not complete in this collectorate.

APPENDIX E

CLASSIFIED table shewing the value and present condition after settlement by the Inam Department of all tenures of land and cash alienations existing in the collectorate of Sutara.

The columns are numbered so as to correspond with abstract statement para. 83

CLASS OF TENURE.	LAND ALIENATIONS.					CASH ALIENATIONS.				
	Total value on the government books at the commencement of alienation operations.		RESULT OF OPERATIONS.		Total value on the government books at the commencement of alienation operations.	RESULT OF OPERATIONS.		Total value on the government books at the commencement of alienation operations.	RESULT OF OPERATIONS.	
	Recovered.	Confirmed.	Recovered.	Confirmed.		Recovered.	Confirmed.		Recovered.	Confirmed.
Villages.	Uttapams.	Lands.	Uttapams.	Lands.	Alreadypassed credits from all recent settlements.	Hereditarily.	Alreadypassed credits from all recent settlements.	Hereditarily.	Alreadypassed credits from all recent settlements.	Hereditarily.
Class of holdings.			Will Lepse, after leases, and more leases.	Will Lepse, after leases, and more leases.	Will Lepse, after leases, and more leases.	Will Lepse, after leases, and more leases.	Will Lepse, after leases, and more leases.	Will Lepse, after leases, and more leases.	Will Lepse, after leases, and more leases.	Will Lepse, after leases, and more leases.
1	2	3	4	5	6	7	8	9	10	
I. Political			22,175	rupees	1,14,880	rupees	575	rupees	1,56,273	rupees
II. Personal			11,721	3,30,494	60,652	"	"	6,590	16,337	6,454
III. Devristhan			"	70,506	"	"	"	"	18,553	"
IV. Wuttun			"	"	1,00,161	"	"	"	"	20,633
Talooka wuttundars			"	"	48	"	"	"	"	"
V. whose services have been retained....			"	1,39,890	"	"	"	"	1,28,337	"
VI. Village servants....			2,96,530	33,896	5,40,890	2,75,711	575	85,943	1,62,863	1,63,232
										60,068

Note.—Increase omitted because not complete in this collectorate.

The Collector's accounts merely exhibit a total of rupees 11,47,692
The Collector's accounts merely exhibit a total of rupees 11,47,692
Not sufficiently particularised at this period to admit of accurate specification.
The Collector's accounts merely exhibit a total of rupees 11,47,692
Not sufficiently particularised at this period to admit of accurate specification.
The Collector's accounts merely exhibit a total of rupees 4,72,100.

APPENDIX F

CLASSIFIED table shewing the value and present condition after settlement by the Imam Department of all tenures of land and cash alienations existing in the collectorate of Poona.

The columns are numbered so as to correspond with abstract statement para. 83

CLASS OF TENURE.	LAND ALIENATIONS.				CASH ALIENATIONS.			
	Total value on the government books at the commencement of alienation operations.	RESULT OF OPERATIONS.	Recovered.	Confirmed.	Total value on the government books at the commencement of alienation operations.	RESULT OF OPERATIONS.	Recovered.	Confirmed.
Villages.								
Lands.								
Umlis.								
Class of holdings.								
I. Political.....	1,99,675	2	3	4	5	6	7	8
II. Personal.....	11,138	9,986	26,581	101	53,903	rupees	rupees	rupees
III. Devushan.....	"	11,131	29,693	"	11,811	12,340	9,943	207
IV. Wuttun.....	"	36,372	"	"	"	41,910	"	"
Talooka wuttundars	"	"	11,444	"	"	"	23,882	"
V. whose services have been retained.....	"	"	"	"	"	"	"	"
VI. Village servants.....	"	58,906	"	"	"	90,665	307	"
	1,99,675	21,124	1,76,409	67,718	101	1,27,137	65,714	1,44,915
								67,227
								207

Note.—Aggregate omitted because not complete in this collectorate.

APPENDIX G

CLASSIFIED table shewing the value and present condition after settlement by the Inam Department of all tenures of land and cash alienations existing in the collectorate of Ahmednagar.

The columns are numbered so as to correspond with abstract statement para. 83

NOTE.—Acreage omitted because not complete in this collector.

APPENDIX - H

CLASSIFIED table shewing the value and present condition after settlement by the Imam Department of all annuities of land and cash alienations existing in the collectorate of Rutnagiri.

The columns are numbered so as to correspond with abstract statement para. 83

CLASS OF TENTHURE.	LAND ALIENATIONS.					CASH ALIENATIONS.				
	RESULT OF OPERATIONS.		Recovered.	Confirmed.	Total value on the government books at the commencement of alienation operations.	RESULT OF OPERATIONS.		Recovered.	Confirmed.	Remaining for settlement.
	Villages.	Lands.			rupees	rupees	rupees			rupees
I. Political.....		2,224			2,655*	2,655*	10,379	"	"	9
II. Personal.....		805	44,812	7,895	"	3,275	2,700	2,824	156	
III. Dewashtan.....		"	10,765	"	48	"	16,337	"	"	51
IV. Wuttun.....		"	"	301	"	"	"	"	"	
Talooka wuttundars					7,401†					
V. whose services have been retained.....		"	"	"						17,682‡
VI. Village servants.....		"	1,363	"	"	"	"	19,270	"	"
		2,224	1,935	56,940	10,257	10,104	9,546	13,654	38,307	3,521
										18,189

Note.—Acreage omitted because not complete in this collectorate.

* Inams held on com^t, or lease, not capable of immediate settlement.
† Settlement in abeyance pending introduction of revised revenue survey (Resolution No. 445) dated 9th September 1872, Part 2)

APPENDIX I

CLASSIFIED table shewing the value and present condition after settlement by the Inam Department of all tenures of land and cash alienations existing in the collectorate of Colaba.

The columns are numbered so as to correspond with abstract statement para. 83

NOTE.—*Average omitted because not complete in this collection.*

APPENDIX J

CLASSIFIED table shewing the value and present condition after settlement by the *Inam Department* of all tenures of land and cash alienations existing in the collectorate of Tanna.

The columns are numbered so as to correspond with abstract statement para. 83

LAND ALIENATIONS.		CASH ALIENATIONS.	
CLASS OF TENURE.	Total value on the government books at the commencement of alienation operations.	RESULT OF OPERATIONS.	
	Recovered.	Confirmed.	
VII. Villages.	Alreadylapsed, including credits from all recoveries, one or more leases, settlements.	Permanently.	Hereditarily.
VIII. Towns.	Alreadylapsed, including credits from all recoveries, one or more leases, settlements.	Permanently.	Hereditarily.
IX. Lands.	Alreadylapsed, including credits from all recoveries, one or more leases, settlements.	Permanently.	Hereditarily.
X. Holdings.	Alreadylapsed, including credits from all recoveries, one or more leases, settlements.	Permanently.	Hereditarily.
XI. Total.	1	2	3
			rupees
I. Political	"	"	445
II. Personal	10	49,053	35,706
III. Dewashtan	"	12,032	"
IV. Wuttun	"	"	4,535
V. Falooka wutthunders whose services have been retained	"	"	6,542
VI. Village servants	"	24,355	"
VII. Total.	5,918	10	85,885
			50,249
			7,110
			18,880
			3,300
			64,256
			24,117
			5,557

NOTE.—Average rainfall because not complete in this volume.

APPENDIX K

CLASSIFIED table showing the value and present condition after settlement by the Imam Department of all tenures of land and cash alienations existing in the collectorate of Nasik.

The columns are numbered so as to correspond with abstract statement notes.

LAND ALIENATIONS.		CASH ALIENATIONS.		RESULT OF OPERATIONS.				RESULT OF OPERATIONS.			
				Total value on the government books at the commencement of alienation operations.	Recovered.	Confirmed.		Total value on the government books at the commencement of alienation operations.	Recovered.	Confirmed.	
CLASS OF TENURE.		CLASS OF HOLDINGS.		Villages.	Umlas.	Lands.	Permanently.	Villages.	Umlas.	Lands.	Permanently.
1	2	3	4	5	6	7	8	9	10	11	12
I. Political.....		43,539	43,539	36,056	36,056	4,177	4,177	6,302	6,302	5,830	,
II. Personal.....		2,698	2,698	13,942	13,942	1,177	1,177	4,239	4,239	5,018	2,784
III. Dewasthan.....		"	"	11,135	"	"	"	"	"	26,196	527
IV. Wutunn.....		"	"	"	"	17,770	"	"	"	"	23,806
Talooka wutundar V. whose services have been retained.....		"	"	"	"	"	341	"	"	"	751
VI. Village servants.....		"	"	71,955	"	"	"	"	"	91,925	,
		26,237	1,49,052	68,268	6,295	"	"	10,541	1,22,439	33,142	4,062

NOTE.—Acreage omitted because not complete in this collectorate.

APPENDIX L

CLASSIFIED table shewing the value and present condition after settlement by the Inam Department of all tenures of land and cash alienations existing in the collectorate of Khandesh.

The columns are numbered so as to correspond with abstract statement para. 63

NOTE.—Average omitted because not complete in this collectorate.

APPENDIX M

CLASSIFIED table shewing the value and present condition after settlement by the Inam Department of all tenures of land and cash alienations existing in the collectorate of Surat.

The columns are numbered so as to correspond with the several statement numbers.

Note.—A range omitted because not complete in this collectorate.

APPENDIX N

CLASSIFIED table showing the value and present condition after settlement by the Imam Department of all tenures of land and cash alienations existing in the collectorate of Broach.

The columns are numbered so as to correspond with abstract statement para. 33

NOTE.—A few omissions because not complete in this collectorate.

APPENDIX O

CLASSIFIED table shewing the value and present condition after settlement by the Inam Department of all tenures of land and cash alienations existing in the collectorate of Kaira.

The columns are numbered so as to correspond with abstracts statement para. 83

Note.—Acreage omitted because not complete in this collectorate.

APPENDIX P

CLASSIFIED table showing the value and present condition after settlement by the Finance Department of all tenures of land and cash alienations existing in the collectorate of Ahmedabad.

The columns are numbered so as to correspond with abstract statement para. 83

Class of Tenure.	LAND ALIENATIONS.		CASH ALIENATIONS.		REMARKS.
	Total value on the government books at the commencement of alienation operations.	Result of operations. Recovered.	Total value on the government books at the commencement of alienation operations.	Result of operations. Recovered.	
	Class of holdings.	Villages.	Umules.	Landes.	Recovered.
I. Political.....	2,44,367	2	3	4	5
II. Personal.....	2,136	14,270	25,287	3,279	3,279
III. Devishthan.....	..	3,37,159	6,871	..	..
IV. Wuttun.....	..	32,793	..	43	43
Taloôka wuttundars	..	695	3,665	..	..
V. whose services have been retained.....	..	..	..	..	..
VI. Village servants.....	..	43,121	..	..	..
					16,909
					16,909
					8,072
					56,238
					56,972
					2,850

Not sufficiently particularised at this period to admit of accurate specification. The Collector's accounts merely exhibit a total of rupees 7,13,686.

Not sufficiently particularised at this period to admit of accurate specification. The Collector's accounts merely exhibit a total of rupees 1,41,041.

Already lapsed, including credits from all recent settlements.

Will lapse, after lives, and more lives.

Permanency.

Hereditarily.

Remaining for settlement.

Note.—Acreage omitted because not complete in this collectorate.

APPENDIX Q

CLASSIFIED table showing the value and present condition after settlement by the Jain Department of all tenures of land and cash alienations existing in the Godra Panch Mahal district, a recent cession by Scindia.

The columns are numbered so as to correspond with abstract statement Para. 83

CLASS OF TENURE.	LAND ALIENATIONS.					CASH ALIENATIONS.				
	RESULT OF OPERATIONS.		RESULT OF OPERATIONS.		Total value on the government books at the commencement of alienation operations.	RESULT OF OPERATIONS.		RESULT OF OPERATIONS.		REMARKS.
	Recovered.	Confirmed.	Recovered.	Confirmed.		Recovered.	Confirmed.	the government books at the commencement of alienation operations.	the government books at the commencement of alienation operations.	
I. Political.....					Will lapse, after one or more lives.	Will lapse, after one or more lives.	Will lapse, after one or more lives.	Hereditarily.	Hereditarily.	
II. Personal.....					Settling credits from all receipts.	Settling credits from all receipts.	Settling credits from all receipts.	Permanently.	Permanently.	
III. Dewasthan.....					Alreadylapsed.	Alreadylapsed.	Alreadylapsed.	Settling debts.	Settling debts.	
IV. Wuttun.....					Village fees.	Village fees.	Village fees.	One or more lives.	One or more lives.	
V. Talooka wuttundars whose services have been retained.....					Umules.	Umules.	Umules.	Will lapse, after one or more lives.	Will lapse, after one or more lives.	
VI. Village servants.....					Lands.	Lands.	Lands.	Hereditarily.	Hereditarily.	
	1	2	3	4	5	6	7	8	9	10
			rupees	rupees	rupees	rupees	rupees	rupees	rupees	rupees

Note.—Wholly remaining to be settled.

APPENDIX R

STATEMENT shewing the proportion of land alienations to net land revenue, and the per centage of award to district and village officers from net realizations

Letter of appendix	COLLECTORATES	Net land revenue for the year 1870-71	Alienations <i>villages lands umuls</i>	Proportion to the net land revenue	Amount awarded to the offices of the hereditary district and village officers	Per centage to the net land revenue after deducting alienations	REMARKS
		1	2	3	4	5	
		<i>rupees</i>	<i>rupees</i>		<i>rupees</i>		
A	DHARWAR	22,18,854	3,67,919	<i>about one sixth</i>	1,32,650	<i>about 7 per cent</i>	
B	BELGAUM.....	18,07,176	5,05,206	<i>above one fourth</i>	,99,157	<i>under 8 per cent</i>	
C	KULUDGI	15,29,085	3,47,951	<i>under one fourth</i>	89,856	<i>under 8 per cent</i>	
D	SHOLAPOOR.....	9,73,146	99,141	<i>above one tenth</i>	86,982	<i>under 10 per cent</i>	
E	SATARA	25,56,786	8,17,206	<i>about one third</i>	1,48,970	<i>above 8 per cent</i>	
F	POONA	14,05,045	2,44,228	<i>above one sixth</i>	1,14,854	<i>under 10 per cent</i>	
G	AHMEDNAGAR	16,88,069	2,59,930	<i>above one seventh</i>	1,56,839	<i>under 11 per cent</i>	
H	BUTNAGIRI.....	9,87,875	77,301	<i>above one thirteenth</i>	37,509	<i>about 4 per cent</i>	
I	COLABA.....	7,59,192	50,526	<i>about one fifteenth</i>	32,103	<i>above 4 per cent</i>	
J	TANNA	14,93,669	1,43,244	<i>under one tenth</i>	1,09,908	<i>under 8 per cent</i>	
K	NASIK	15,57,079	2,23,615	<i>above one seventh</i>	2,06,868	<i>under 18 per cent</i>	
L	KHANDESH	37,66,463	3,20,700	<i>above one twelfth</i>	4,55,388	<i>under 15 per cent</i>	
M	SURAT	28,91,138	3,93,101	<i>under one seventh</i>	1,85,872	<i>under 8 per cent</i>	
N	BROACH.....	27,12,096	5,33,175	<i>about one fifth</i>	1,78,690	<i>above 8 per cent</i>	
O	KAIKA.....	28,69,045	7,79,338	<i>above one fourth</i>	1,76,006	<i>under 9 per cent</i>	
P	AHMEDABAD	18,61,694	4,67,183	<i>about one fourth</i>	77,382	<i>above 5 per cent</i>	
Q	KODRA PUNCHI MAHAL <i>Wholly remaining to be settled.</i>	"	"	"	"	"	
	Total..	3,10,76,412	56,29,764	<i>above one sixth</i>	22,88,031	<i>under 9 per cent</i>	

APPENDIX S

Shewing the names of those gentlemen who have served in the Inam Commission

Name and present rank (or rank at date of death or retirement)	Rank and date of first entry.	Remarks.
HENRY EDWARD GOLDSMID CIVIL SERVICE <i>deceased</i>	16th June 1843 MEMBER OF COMMITTEE	<i>Afterwards Chief Secretary to Government.</i>
Hon'ble WILLIAM HART CIVIL SERVICE <i>retired</i>	17th January 1844 MEMBER OF COMMITTEE	<i>Afterwards Inam Commissioner. Secretary to Government Judge of High Court. Revenue Commissioner and Member of Legislative Council.</i>
Lieut.-Col. MICHIE FORBES GORDON <i>retired</i>	18th August 1847 ASST. INAM COMMISSIONER <i>from political department</i>	<i>Afterwards Inam Commissioner.</i>
Captain CHARLES JOHN GRIFFITH <i>deceased</i>	22nd March 1851 ASST. INAM COMMISSIONER	<i>Afterwards Inam Commissioner.</i>
Brigadier Genl. J. W. SCHNEIDER C. B. <i>left department</i>	22nd May 1851 ASST. INAM COMMISSIONER	<i>Afterwards Judge Advocate General of the Army, and now Political Resident at Aden.</i>
Lieut.-Colonel T. A. COWPER <i>retired</i>	23rd May 1851 ASST. INAM COMMISSIONER <i>from public works department</i>	<i>Afterwards Inam Commissioner. Revenue Commissioner for alienations, and Commissioner Hyderabad Assigned Districts.</i>
CHARLES JAMES MANSON CIVIL SERVICE <i>deceased</i>	28th June 1851 ASST. INAM COMMISSIONER	<i>Afterwards Inam Commissioner, and Political Agent Southern Maharsa country.</i>
Colonel A. T. ETHERIDGE C. S. I. <i>present Incumbent</i>	12th April 1852 ASST. INAM COMMISSIONER <i>from political department.</i>	<i>Afterwards Asst. Revenue Commissioner. Now Inam Commissioner under Sect 9 Act II of 1863 and Alienation Officer Deccan and Southern Maharratta country. In charge of Poona Duffur and records &c.</i>
Hon'ble FRANCIS STUART CHAPMAN CIVIL SERVICE <i>left department</i>	23rd June 1852 ASST. INAM COMMISSIONER <i>in charge of Iluk enquiry</i>	<i>Afterwards Collector of Satara, and now Chief Secretary to Government and Member of Supreme Legislative Council.</i>
FORSTER FITZGERALD ARBUTHNOT CIVIL SERVICE <i>left department</i>	21st April 1856 SPECIAL DUTY GUZERAT	<i>Afterwards Collector of Bombay.</i>
Hon'ble E. W. RAVENSROFT CIVIL SERVICE <i>left department</i>	12th May 1856 SPECIAL DUTY GUZERAT	<i>Afterwards Inam Commissioner Mandvee Pergunah, and now Acting Chief Secretary to Government and Member of Legislative Council.</i>
Major PETER DODS <i>retired</i>	22nd November 1856 ASST. INAM COMMISSIONER	<i>Afterwards Inam Commissioner, and Director of Public Instruction in the Central Provinces.</i>
Hon'ble BARROW HELBERT ELLIS CIVIL SERVICE <i>left department</i>	25th April 1857 REVENUE COMMISSIONER FOR ALIENATIONS	<i>Afterwards Secretary to Government. Member of Council Bombay, and now Member of Supreme Government.</i>
WILLIAM GEORGE PEDDER B. A. CIVIL SERVICE <i>left department</i>	14th February 1859 SPECIAL DUTY GUZERAT	<i>Afterwards Inam Commissioner Mandvee Pergunah, Commissioner at Nagpore, and now Municipal Commissioner Bombay.</i>
JAMES BRAITHWAITE PEILE M. A. CIVIL SERVICE <i>left department</i>	19th March 1861 SETTLEMENT OFFICER GUZERAT	<i>Afterwards Under Secretary to Government, Director of Public Instruction, and now Political Agent in Kattiawar.</i>
JAMES BELLOT RICHEY CIVIL SERVICE <i>left department</i>	5th February 1862 Asst. REV. COM. N. D.	<i>Afterwards Under Secretary to Government, and now Talookdaree settlement officer Guzerat.</i>
EDWARD HOPE PERCIVAL CIVIL SERVICE <i>left department</i>	28th August 1863 SETTLEMENT OFFICER GUZERAT	<i>Afterwards Private Secretary to the Governor, and now special political duty.</i>

APPENDIX T

Giving questions and answers referred to in Note § para. 2 of Narrative.

QUESTIONS PUT BY MR. HART TO MR. REEVES.	MR. REEVES' REPLY.
<p><i>1st.</i> Whether the establishment of the Inam Commission caused any general feeling of alarm, distrust, or discontent, among the inhabitants of the districts under your supervision; or whether any such feeling with respect to it has of late sprung up among them?</p>	<p><i>Para. 2.</i> To question the first I have to reply that, as far as my knowledge extends, the establishment of the Inam Committee caused no general feeling of alarm, distrust, or discontent in the districts under my control in 1844. I state this with considerable confidence, because, in the years 1844 and 1845 I was called upon to institute minute enquiries into the state of the public feeling, in consequence of the intrigues and disturbances which, you are aware, shewed themselves about the middle of the former year. It is certain I think that, if the Inam Committee had then occasioned any such alarm or distrust as you allude to, the fact would have become apparent however disguised its tokens might at first have been;—discontent would have found a mouthpiece either in Belgaum, Dharwar, Kolapore, or Sawuutwarree. But among the numerous examinations which originated in the course of my protracted investigations, not even a hint was dropped at the Inam Committee.</p>
<p><i>2nd.</i> Whether you have reason to believe that the summary interference of your own assistants with the rights of Inamdar is calculated to create a greater or less degree of discontent among the ryots, than the proceedings of the Inam Commission, so far as the latter have come under your observation?</p>	<p><i>Para. 3.</i> No such feeling of distrust or alarm has of late sprung up with respect to the Committee.</p> <p><i>Para. 4.</i> To the second question I reply that I have no doubt whatever that the summary proceedings of my assistants are calculated to create a much greater degree of discontent than the proceedings of the Inam Committee. I find that between the commencement of 1840 and the end of April 1845 inclusive no less than 167 Inam possessions were attached in the Belgaum collectorate; of these 155 were attached previous to 1844 and twelve subsequently. No enquiry except what is usually made by a mamlutdar appears to have taken place—the possessors were deprived of their holdings, the proceeds of which were annually realized and put in deposit, pending final decision on the several cases, which, until the</p>

3rd. Whether, with the exception of the case of the villages of Budlee and Nurvinhullee (since resumed by orders of Government) and that of Modugay, the Committee has ever advocated your adoption of summary measures towards Inamdares?

formation of the Committee, was simply an event unlikely to happen. This seems well calculated to cause discontent. I must, however, mention that I ordered the release of all these Inams as soon as ever I heard of them.

Para. 5. To the third question proposed I would observe that as far as it has come under my observation the conduct of the Committee in its very delicate inquiries, has been remarkable for its forbearance and liberal spirit; and I know one instance only besides those of the villages named by you, in which summary process was advocated by it towards Inamdares. It was that of the third share of the village Gool Hosoor held by the heirs Chitambur Dixit—but, in each of the cases noticed by you, preliminary and accurate inquiries had been made which proved the Committee's recommendation to be necessary. In the case of Modugay I myself ordered an attachment in the first instance when I sent you the papers connected with it—while in that of Gool Hosoor, the share of Mrityoonja Dixit only was attached, and that only until he appeared to answer for himself before the Committee, which had repeatedly but unsuccessfully called on him to attend for that purpose.

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4th. Whether the Committee has not, on the contrary, in some cases suggested the adoption of a milder course than that adopted or contemplated by the ministerial officers of your collectorate, regarding interference with Inams suspected of being invalid?

Para. 6. In a letter dated July 3rd No. 257 (of 1846) addressed to me by the Inam Committee these words occurred,

'The attachment of a suspected Inam
' before the final decision of Government
' has been pronounced, though of
' common occurrence, is not a step I
' should feel disposed to advocate
' except under circumstances of fraud.'

this is quite coincident with the views expressed by me in a letter which I wrote to the Revenue Commissioner, Southern Division, deprecating the system of summary attachment which had previously been pursued in this collectorate by assistants to the Collector, and, considered in connection with the course advocated by the Committee in several instances in which complaints and references were made to it, enables me to answer direct in the affirmative to the 4th question propounded by you.

5th. Whether the enquiries of the Commission (the peculiar characteristics of which are its exclusive attention to claims to alienated land and its constant access to a large mass of government records) are or are not better adapted to insure full justice being done to the yots (as well as to Government) than the investigation of their titles by the regular ministerial officers of your collectorate?

Para. 7. In regard to the fifth question I would observe that I am unable to conceive how a Collector can be expected to supervise in a satisfactory manner the duties now performed by the Inam Committee, any more than those of the Superintendent of the revenue survey and assessment. I am asserting, I believe, nothing but a truism when I say that Collectors are unable to meet the current exigencies of the offices; but if true of Collectors generally, this is I imagine very palpably applicable to the Collector of Belgaum who to the usual duties of these officers adds those of political agent and commandant on irregular horse.

Para. 8. It will take some years before the pressure of business occasioned by several late acts of Government will be got over; and by that time other exigencies will probably have occurred. Indeed the business of Collectors seems annually to increase rather than decrease. There is no hope of their ever being able to undertake any additional duty.

Para. 9. As to Inam enquiries being conducted by Assistant Collectors, I am of opinion that my assistants, even if they were qualified, have no time for them and this may be gathered from the circumstance alluded to in my answer to the second question. Assistant Collectors it should also be remembered are liable to sudden transfer from one collectorate or even district to another, by which the local knowledge and progress gained in one spot would be lost, and Inamdaars would be subjected to much real hardship and injustice.

Para. 10. I am very clearly of opinion that inquiries into doubtful Inams demand the exclusive attention of persons possessed of abilities and experience of a peculiar sort; for notwithstanding their intricacy frequently excessive and embarrassing but they involve an extensive acquaintance with the records and domestic history of late Government. At all events I should say that until I have become acquainted with the record and official history of the country, the cleverest man cannot possibly do justice either to the natives or to Government.

Para. 11. The Inams in this collectorate amount to very nearly half of the gross revenue, a proportion so greatly in excess of what is elsewhere met with, that it has constantly attracted the attention of Government. It certainly warrants a suspicion that unauthorized possessions are now extensively held. I trust, therefore, that since the establishment of the Collector of Belgaum is so utterly inadequate to undertake double duty of asserting the rights of Government and ensuring a nice and liberal measure of justice to the present holders of these possessions, the Inam Committee which is undoubtedly well qualified for it will continue as heretofore to perform it.

QUESTIONS PUT BY MR. HART TO
MR. FRERE.

1st. Whether, during the periods in 1845 and 1846, in which years you were successively in charge of both the collectorates of the Southern Mahratta country, you had reason for supposing that the existence of the Inam Commission was the cause of any general feeling of alarm, distrust, or discontent among the inhabitants of the districts under your supervision ?

MR. FRERE'S REPLY.

Para. 1. In reply to the first question I have the honor to inform you that the impression I derived from my intercourse with the natives was that they had no feelings of alarm, distrust, or discontent whatever against the existence of the Inam Committee.

Para. 2. It has been my lot as acting Collector of Belgaum to take possession of the villages of Budlee and Nurvinhullee from the Dixits, and as acting Collector of Dharwar to resume Badh (I think, but I have no records to refer to) in this latter collectorate, under decisions from Government upon reports of the Inam Committee, and I am very certain that both the families affected by these decisions were well satisfied with the justice of them and the liberality with which they were treated by Government, and if since that they or any others have expressed dissatisfaction it has arisen from the machinations of evil disposed persons and not from their own spontaneous feelings. I do not think there is any part of the Hon'ble Company's territories in which the Government are held in higher esteem and confidence than in the Southern Mahratta country and when we hear the increased intelligence and information of our native subjects so much and so justly extolled they would I think lose their title to it if they were unable to appreciate

the liberality as well as justice of Government, who, when making a strict enquiry into the titles of a few, is at the same time reducing the assessment upon all around them.

2nd. Whether the enquiries of this Commission (the peculiar characteristics of which are the exclusiveness of its attention to claims for alienated land, and its constant access to a large mass of government records) are or are not better adapted to ensure full justice being done to the Inamdaras (as well as to Government) than the investigation of their titles by Collectors or their assistants?

Para. 3. In reply to the second question I have the honor to inform you that both experience and the records of Government shew how much has been done by the Inam Committee which the Collectors and their assistants were unable to do. If Government are inclined to give up all Inams to the present holders the Committee may as well be abolished, but if Government intend to continue an enquiry into the titles, or to allow the titles to be questioned, it can never be done so justly as by an authority whose whole attention is directed to the subject.

Para. 4. The peculiar qualifications for carrying on these enquiries as far as my observation leads me is an intimate acquaintance with the Mahratta history (in further detail than is to be found in Grant Duff's most excellent and entertaining work) embracing also a knowledge of all the different mamludars and what their holdings were and whether they held the lands as mamludars or on any other tenure, a fruitful cause if I recollect right of confusion; a knowledge also of chronology and contemporary events, more ready and more in detail than any revenue officer could hope to command, with due attention to his other duties, is also I think another essential, and for this purpose, as well as to avoid any rash or hasty opinion, a person enquiring into these titles ought in my opinion to be free from all other duties.

Para. 5. If the Collector and his assistants are expected to enquire into these cases they will as they have hitherto done overlook false claims, and should they by chance never reject a good title, still the very inequality and uncertainty of their decisions, tho' they may be far more liberal than the present, will give rise to discontent. A man is well satisfied to forego his claim or resign it with content when he sees that the law or rules and justice are against him, but he is not so easily satisfied when he sees that it was only his luck failed him, and that others with no better title have been

more successful—a Commission attending to nothing else would be inexcusable did any appearance of caprice manifest itself in their opinions ; all should be consistent with themselves and with one another ; but such is not to be expected from a Collector or his assistant whose multifarious duties enable them to dispose with much tact and quickness of cases summarily, but renders their means of forming a deliberate judgment very uncertain, and I fear in many cases unsound. In saying this, however, I restrict myself to judgments including also the grounds of that judgment and not to opinions in general, which latter may be correct tho' founded on wrong bases and drawn from false premises.

QUESTIONS PUT BY MR. HART TO
MR. MANSFIELD.

1st. Whether the establishment of the Inam Commission caused any general feeling of alarm, distrust, or discontent among the inhabitants of the districts under your supervision ; or whether any such feeling with respect to it has of late sprung up among them ?

MR. MANSFIELD'S REPLY.

Para. 2. In reply to your first question I beg to state that I have been employed in this zilla since November 1843 and with the exception of three months in each of the subsequent years have been living completely in the districts to which the enquiries of the Inam Committee have been exclusively confined, and have had therefore excellent opportunities of becoming acquainted with the feelings of the population towards Government. It is my firm opinion not only that there is no symptom of ill feeling or dissatisfaction in consequence of the operations of the Inam Committee, but there has been a great improvement in the feeling of the population in favour of Government, and in proof that this opinion is the result of my own conviction and not of any feeling in favour of the Inam Committee I send you an extract from my jummabundee report which was written nearly a month ago.

Para. 3. Those individuals whose Inams have been attached or declared life holdings are discontented I have no doubt, and it would be very unnatural if they were not so ; but that the discontent extends to the great mass of the population is not the case, and if I received an order tomorrow to attach every Inam in the zilla I should not have the least anxiety regarding the peace of the country or the exhibition of any

feeling of general dissatisfaction. The great mass of the population are the ryuts, who, with the exception of a few Mussulmans, are all Lingayuts and would be perfectly indifferent. As for the village and district officers they would be delighted, for it would give them an excuse to follow the example of Government and resume large portions of their wuttun lands alienated to Inamdars by their ancestors, as from these alienations they are, as a class, reduced to extreme poverty. I have received frequent petitions from these officers to be allowed to resume these lands.

Para. 4. Among the Inamdars themselves I believe dissatisfaction against the Inam Committee to be confined entirely to those who have their Inams attached, for I recollect meeting in last February an Inamdar while out riding and on asking him what he thought of the proceedings of the Committee he said at once they were perfectly just—that all Inamdars who were entitled to their Inams had been confirmed in them, and only those who had surreptitiously obtained them had suffered.

2nd. Whether the enquiries of this Commission (the peculiar characteristics of which are the exclusiveness of its attention to claims for alienated land, and its constant access to a large mass of government records) are or are not better adapted to ensure full justice being done to the Inamdar (as well as to Government) than the investigation of their titles by the Collector or his assistants?

Para. 5. In reply to your second question, I beg to state I have served in the Poona, Tanna and Belgaum zillas. The revenue and magisterial current duties in those collectorates are as much as the Collector and three assistants can barely get through; but it seldom happens that the Collector has his full complement of assistants and it is only by the zeal of public servants that the current duties are performed, very frequently they are very much in arrears, and therefore every extra duty is postponed *ad infinitum*. In proof of this the records of Government can shew the difficulty which always occurs when any detailed enquiry or investigation of numerous claims is ordered, the number of circulars issued calling for the statements of losses sustained by individuals by the abolition of the transit and town duties, and how frequently the statements are returned in consequence of the imperfect information they contain owing to the Collector being unable to afford time to make a proper investigation. In this zilla there are two descriptions of claimants for losses

sustained by the abolition of the transit duties. A satisfactory enquiry and settlement could have been made by any revenue officer of experience in two months, and yet, though nine years have elapsed since the abolition took place, the enquiry has not been brought to a close. Again, Government ordered in 1835 an enquiry into the warshasuns of this collectorate, but no progress whatever has been made in it, and none will be until some officer distinct from the collectorate is appointed to enquire into them. Meantime, Government are losing annually large sums by the enquiry being deferred.

Para. 7. A person to conduct an investigation into these Inams requires experience, it is also necessary he should be intimately acquainted with the history of the former Government and its records and he should always have access to the latter. A Collector and his first assistant might have sufficient experience but they could not afford time to make themselves acquainted with the history and records of the former Government; but supposing they had time their other duties require them to be constantly travelling in the districts and therefore they could not have access to the records unless they carried them about with them which it is obviously impossible they could do.

QUESTIONS PUT BY MR. HART TO
CAPTAIN WINGATE.

1st. Whether the proportion of land in the Southern Mahratta country alienated as Inam &c. is so great as to make it advisable that Government should continue to appropriate exclusively for the investigation of the titles by which such land is held an establishment such as that of the Inam Commission; or, whether the Collectors or their assistants could, in addition to their current ministerial duties, also complete, with justice to Government and the ryots, all the investigation regarding alienated lands which may be requisite?

CAPTAIN WINGATE'S REPLY.

Para. 2. In reply to your first question I beg to state that in my opinion the very large proportion of land alienated in the Southern Mahratta country, amounting I imagine to nearly a half of the whole province, and held in great part on defective title according to common report, the correctness of which has been proved by the enquiries hitherto made, make it most advisable that Government should continue to appropriate exclusively for the investigation of the titles by which such land is held an establishment such as that of the Inam Commission. The Collectors and their assistants have already difficulty in getting through with the current duties of their respective charges, and it would I am assured be quite impracticable for

them to conduct the enquiries in question. And were the case otherwise, the enquiries themselves require for their successful prosecution peculiar qualifications and a familiar acquaintance with the records and usages of the former Governments, which it would be unwarrantable to expect in any officer whose principal duties lay in some other direction. Many other objections to the prosecution of enquiries into these Inams by any other than a department constituted for the express purpose suggest themselves; but without detailing these, I may state my opinion, that in no other way could they be satisfactorily completed, so as to secure justice to the Inamdar and a due regard to the interests of Government.

2nd. Whether the establishment of the Inam Commission caused any general feeling of alarm, distrust, or discontent among the inhabitants of the districts under your supervision ; or whether any such feeling with respect to it has of late sprung up among them ?

Para. 3. To your second question I have to reply, that, as far as I am aware, no general feeling of alarm, distrust, or discontent among the inhabitants of the districts under my supervision was occasioned by the establishment of the Inam Commission or has since sprung up in consequence ; and I do not conceive it possible that such should exist without my being aware of it. And more than this, so completely the *reverse* is the fact, that I have no hesitation in affirming the population generally to be better disposed to our Government at this moment than it was during any part of the period intervening between our conquest of the province and the introduction of the combined operations for the revision of assessment and settlement of Inams which form the objects of the present survey.

Para. 4. I have little doubt of there being land held as Inam in the Southern Mahratta country upon fraudulent and defective title, which under Government management would yield a revenue exceeding two lacs of rupees per annum, and I am at a loss to conceive a sufficient reason in the circumstances of the case for Government relinquishing so important a resource at a time when the execution of public works admitted to be of the utmost importance is avowedly deferred from financial considerations. The Inamdar as a body do not cultivate their own lands, and are by no means either liberal or indulgent landlords. Their tenants would generally rejoice to hold their lands of Government direct ; so